Policing Arrangements in New Brunswick: 2000 and Beyond

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INTRODUCTION

The objective of the New Brunswick Policing Study is to examine present policing arrangements and policies in the Province of New Brunswick with a view to formulating a rational basis for the modification of the existing arrangements, if necessary, to address the policing requirements in the province into the next century.

The major focus of the examination is on the relationship between provincial policing services, governing authorities and municipal police services and the feasibility of consolidation of effort. Some of the options to be considered include the realignment of provincial policing services and the creation of regional police services. Full details of the project description are shown in Appendix "A".

In addressing the policing requirements into the next century it is essential to focus on the services to be provided to the public and how these services are going to be paid for. Policing is a service industry and, as such, the definition of the task to be performed is the key to what is to be provided. The more comprehensive the task, the more it is going to cost. In this equation, the public plays a key role. Unfortunately this key participant often provides a mixed message which policy-makers have to face, i.e. there is often a public demand for more police presence or availability on a twenty-four hour basis, with a corresponding willingness, in theory, to allocate the financial resources necessary to achieve that coverage but not necessarily a willingness to contribute personally to that objective by paying increased property or other taxes.

Put shortly, the policy-maker will face a situation where there is potential for elastic demand for police services with inelastic means to pay for them. In these circumstances, it will be essential to avoid the ideal in defining the task of policing in the future because there will never be ideal resources available to pay for them.

The police cannot expect to be the sacred cow of provincial-municipal funding arrangements. Policing is, of course, an essential public service and must be properly supplied with the human, technical and financial resources to do the primary job that the public demands (peace-keeping, crime prevention and law-enforcement). The greatest care must, however, be taken in making sure that those demands are realistic and that the money spent on the police function is not wasted by duplication of effort, lack of coordination between existing policing activities and misuse of scarce police personnel upon duties that do not require peace-officer status or increasingly expensive police education and training to perform them effectively. Further, payment for police services should not only fall on all citizens equitably but should also be seen to do so. Providing public police services without visible contribution from the broadest possible base of citizens no matter where they live in the province may well contribute to unrealistic demands for service without direct reference to the costs involved.

In order to achieve a thorough-going reappraisal of the policing function in the province, the work will not be completed when this report is circulated for comment, criticism and evaluation by the media, the public, the police, police associations, and officials and politicians at the municipal and provincial levels. Rather, the work will only then have commenced. As was said in 1988 in **Policing Arrangements in New Brunswick with Particular Reference to the Highway Patrol Function**:

> "Obviously no government should act on my recommendations on [the general policing arrangements in New Brunswick] without first engaging in detailed consultations with the affected parties."

Nothing positive can be achieved unless all of the stakeholders have an opportunity to express their views on these issues of grave public importance. For the process to be fully effective, it will be necessary to identify three phases the completion of which is very likely to occur after the term of office of any provincial or municipal government in place when these recommendations are first made public. This should deter no-one because the same issues will still be waiting for any later governments to tackle in their time.

The three phases are as follows:

- Planning
- Legislation
- Implementation

The planning phase should not be regarded as complete until a full opportunity for debate has occurred following consideration of this study which includes the background studies which have been prepared as an integral part of it. These are listed in Appendix "B" and summarized within the body of this report. Where these background studies make reference to police personnel, civilian employee and cost figures available at the time that those studies were completed, it should be noted that more up-to-date statistics on such numbers and actual expenditures for 1990 are now set out in Appendices "C" and "D". Further reference will be made to them under the section on "Finance". Debate during the planning phase should also bear in mind the other sources of information that were available to the senior consultant, including members of the Advisory Board (listed in Appendix "E") and the persons consulted directly by the senior consultant (listed in Appendix "F"). In addition a public notice was inserted in the media (Appendix "G") and written submissions were made by the persons or organizations appearing in Appendix "H". Some related research completed in earlier years by the senior consultant was also drawn on and is listed in Appendix "I". Details of the members of the research team appear in Appendix "J".

At some point, however, no matter how many sources of information are available, the provincial government of the day will have to show leadership in developing a comprehensive policing policy. Ultimate responsibility lies there because, subject to what the courts may have to say about existing treaty and aboriginal rights in respect of policing and the First Nations, few have seriously questioned but that policing is a provincial responsibility as part of the administration of justice under the Canadian constitution in its present form.

The legislation phase would then involve the enactment of a new **Police Act** and **Regulations** which would contain the key elements of how policing is to be organized and paid for in the province. A part of the necessary policy development at this stage would involve distinguishing the relative roles of this new legislation from those of the **Industrial Relations Act** and the **Municipalities Act** as will be further explained in this study.

The implementation phase could then take place in an atmosphere where all affected parties, having had a full opportunity to contribute to both the planning and legislative phases, can bring full energies towards providing the citizens of New Brunswick with effective and efficient police services capable of adapting to the inevitable changes that the next century will bring.

Effective and efficient policing in the future will most certainly **not** be achieved by the creation and development of internecine wrangling amongst the police themselves involving disputed claims suggesting poor or ineffective policing by one or other group. Obviously the public is best served by police cooperating together to provide, to the extent that police are able to do so, a safe environment in which people can live. Indeed, there is evidence that suggests that a public **perception** of police effectiveness is an important, though obviously not the sole, component in **actual** police effectiveness.

This study will suggest a series of options that can be taken in organizing policing in New Brunswick for the future and the time taken up by the planning, legislation and implementation phases will depend upon the options chosen. Obviously a planning phase that concluded that present policing arrangements provide the best of all possible worlds for the province would need no legislative or implementation phases as the province would have chosen to stand pat with its present arrangements. Doing nothing is always an option. If, however, a more ambitious programme of reform were to be chosen as a result of the planning phase, then more work would be required to draft the necessary legislative changes and a longer implementation phase would be required. Should a decision be made to adopt the most thorough-going option then it is likely that one would be into the 21st Century before that programme of reform would be fully implemented. Structural change should not be undertaken without the necessary planning, legislation and implementation strategies being in place to make it effective. There is, in short, no "quick-fix" if a major restructuring of policing in the province is to be undertaken. Even here, however, it would be advisable to phase-in changes, starting with the least complicated reforms and using the lessons learned in that phase to assist in solving any problems that arise in the more complicated ones.

In all of this, it has to be remembered that we live in a changing world and that all change, no matter how timely or beneficial when undertaken, cannot be a final solution. Each generation of solutions produces the next generation of problems. This is not an argument in favour of never making a change, just a reminder of the inevitable limits of all reform. Taking effective action will require courage and compassion; courage to overcome the easy option of allowing the **status quo** to drift on and compassion in dealing with the inevitable personnel changes that go hand-in-hand with restructuring any area of human activity.

RECOMMENDATIONS:

General:

1. The government of New Brunswick should commence a three-stage programme for the reorganization of policing services in the province comprising planning, legislation and implementation.

2. The planning stage should include a full opportunity for consultation and debate with all interested parties.

3. The legislation stage should include the enactment of a Police Act and Regulations giving effect to the policing arrangements developed in the planning stage and including necessary amendments to the Industrial Relations Act and the Municipalities Act.

4. The implementation phase should begin with the least complicated areas of reform and proceed to the more complex ones using lessons learned in the earlier changes.

DIRECT PARTICIPANTS IN POLICING ORGANIZATION

PROVINCE

The Province of New Brunswick provides several provincial services using a regional delivery model. For example, the Departments of Justice, Health & Community Services and Income Assistance, and the Correctional Services Division of the Department of the Solicitor General divide the Province into 14, 11, 2 and 3 regions respectively. The RCMP divides the Province into 3 regions for the delivery of provincial police services but these are not the three regions used by Corrections. Municipalities, Culture and Housing Minister Marcelle Mersereau has been reported as saying that New Brunswick has more cities, towns and villages than it can afford and is said to be seeking amalgamations and regionalizations to reduce these numbers.

It is certainly easier to regionalize policing if local government is being regionalized because, when all of the infrastructure is being planned to service the region, police needs can be considered as part of the overall package. This is not the case under the present legislative scheme where policing is regionalized but the municipalities involved remain distinct entities. In such circumstances, **ad hoc** arrangements have to be made for one of the component municipalities to provide for the administration of financial matters and certain other support services for the police. This has led to squabbles between municipalities over which one should provide this service and difficulties have also arisen over the share of regional policing costs to be borne by one or other of the constituent municipalities. One, at least, of these disputes had to be resolved by arbitration. Major difficulties in bringing about a Miramichi Regional Police under present arrangements are due to similar unresolved disputes. This is not an ideal situation.

Whether or not New Brunswick should regionalize some of its existing municipalities is obviously not within the mandate of this study. If, however, such a move were to be contemplated in any area of the province, it is strongly suggested that police reorganization be included as a key segment in the regionalization negotiations. Police regionalization as a part of local government regionalization is much more feasible than regionalizing police services among municipalities that are going to continue to exist as separate legal entities. I cannot emphasize this point too strongly and it should be remembered when the inevitable difficulties occur should the government proceed with some of the less ambitious schemes now to be discussed.

Even if the regionalization of existing municipalities is not to be undertaken, the Province should still continue to make it possible for neighbouring municipalities to form regional police services where this is feasible. This approach has the support of both the RCMP and the New Brunswick Police Association (NBPA) provided that careful planning makes the allocation of policing as between any neighbouring RCMP detachment and the proposed regional police service a practical possibility and does not leave areas of "no-man's land" or other policing anomalies in the vicinity of the reorganization.

The biggest problem with the present provincial response to its policing mandate is the fact that the **Police Act** requires municipalities to have their own police service or to enter a contract for police services with the RCMP or municipal or regional police. Since the Canadian average ratio of police to population is currently in the region of 1:500, this is tantamount to mandating, in small municipalities, the creation of police services that possess around 5 police personnel unless the municipality contracts its policing obligation to the RCMP or some other police service. Even smaller police services are permitted to be created and several with as few as three and four members presently exist under these arrangements.

In so legislating, the Province has the support of many municipalities who cherish having their **own** police service under local control. In particular, it is suggested that this method of policing puts constables in small communities where they provide the preventive function so important to effective policing. The fear of losing such local control is not just the fiscal one of having less say in the cost of policing but the practical one of having less say in the allocation of police resources. It is said that a regional service would not necessarily place any constables in a small town and would probably police it from some central location from which it could the more effectively police the whole of the region. Further, it is said that small towns can provide 24 hour coverage when this may not be available from a regional police service or from the RCMP in certain circumstances. Against this, it is said that very small police services cannot provide a full police service and that they provide, in effect, a watchman function only. Able to provide minimum service for routine matters they are said to be quite incapable of sophisticated investigative activities. Career progression is impossible leading to boredom and lack of challenge. One small town police operation had no proper uniform until 1990, different members possessing items of different colours and some having no tunics at all. In another small town a Councillor told the Chief of Police "We don't expect constables to stay for more than a year or two. If they do, we think there is something wrong with them."

The key question to ask here is the following: "Is the above dispute really a question about the size of the police service providing the function or the type of police service that makes most sense having regard to effective policing and reasonable cost?" Both large and small police operations have their problems. The large one may be too remote from areas of its community. The small one may not provide a full police service or a satisfactory career path for its members to attract personnel of the best calibre. More to the point, is it beyond the wit of human beings to create a policing service which possesses the strengths and avoids the weaknesses of both systems? A police service with sufficient critical mass of personnel to provide a full police service and to provide a progressive career path for its members could also be mandated to police in a community-oriented manner with dispersed location of personnel.

The provincial response to its constitutional mandate for policing should not be to require the creation of police services that are too small to carry out that function effectively and efficiently but to mandate the creation of police services which not only provide full-service capability in a format which will attract the highest calibre of personnel but also deliver that policing service in a manner which is preventive in style and community-oriented in method of delivery. General police research shows that the greatest effectiveness in policing is obtained when one goes from a position of having no police personnel in a particular location to having some police personnel in evidence there. Once a reasonable police presence is in place it becomes increasingly difficult to show that the provision of more resources will provide equivalent improvements in results as measured in the traditional way of producing less crime.

In short, both large and small police operations have much to learn from each other. The province should so describe the capability factors that it requires in its police services that the best aspects of large and small policing operations will be contained in any police service authorized to act as such in New Brunswick under its new policing policy.

RECOMMENDATION:

Province:

5. The Province of New Brunswick should so describe the capability factors that it requires in its police services that the best aspects of large and small policing operations will be contained in any police service authorized to act as such under its new policing policy.

SOLICITOR GENERAL

There is currently confusion in the respective roles of the Department of the Solicitor General and municipalities in policing. Are police services seen as an extension of the Department? If so, then the municipalities feel left out and the direct line of communication is seen as running from the Police Chief, through the Policing Services Division of the Department, and directly to the Solicitor General who is answerable to the Legislature. This arrangement can cause tensions between the Police Chief, the City Manager and Council. If a City Manager seeks to exercise fiscal or administrative control over a Police Chief, as an important player in the municipal delivery of services and an employee of the Council, the Chief can point to the **Police Act** as the authority for police being in a different position from other municipal departments, since only the Chief of Police has a direct reporting access to Council.

Any new plan for policing in the province should attempt to resolve this issue in a principled manner. The resolution is not an easy one and goes to the heart of policing in a democracy. There is general agreement that the police, as enforcers of the law, should not be subject to political interference in their investigative and prosecutorial functions yet, at the same time, there is a need for the body that is granted the monopoly on the use of force in peacetime to be under effective democratic control. Further, it is important that the costs involved in providing police services should be under effective scrutiny by democratically elected representatives. Are these supervisory roles best played at the provincial or municipal level? Do both have a role and should the tensions that exist between municipal and provincial views on an appropriate level of police service or funding simply be regarded as part of a continuing and healthy debate that ought to go on in respect of a fundamentally important service like policing?

In my view there is a role for both the province and the municipalities in the democratic control of the police but that there should be a direct link between payment for service and "say" in what goes on. This should apply, not just at the governmental level but at the citizen level as well. Many citizens may wish to move out into low tax-paying areas yet, at the same time, expect to receive no reduction in police services. Many municipalities may wish to retain their own police forces but depend, in part, on unconditional grants from the province to defray the expenses involved. Present arrangements encourage both activities. New arrangements should be structured to avoid them.

The Department of the Solicitor General could be provided with a portion of the funds presently given to municipalities as unconditional grants from the province and these should be funnelled into policing operations that have the necessary components of effective policing under its constitutional mandate for policing. These criteria would be developed following consultation on the recommendations of this study and must be prescribed in legislation. The exact figure involved in any region would be a matter for negotiation between the municipalities and the Departments of Municipalities, Culture & Housing, Solicitor General and Finance. Municipalities would continue to play a major role in policing and would propose the policing budget. In this way, decisions about policing would be made at both provincial and municipal levels with a view to actual costs as they apply to policing needs and the level and type of service being provided. A policing operation that has the approval of the Department of the Solicitor General would have a portion of its costs paid for out of a provincially provided conditional grant for policing. The level of conditional grant should be significant enough to permit the province to play the leadership role that is necessary if a fundamental restructuring of the policing of the province is to be undertaken for the next century. Put shortly, the province has to ask whether the current method of unconditional grants to the municipalities, while historically important as an equalizing factor, have outlived their usefulness and need to be reconsidered and replaced with a combination of unconditional and conditional components. I am suggesting that policing would be a prime candidate to move from the former to the latter category.

Such an approach would place an important function upon Policing Services Division of the Department of the Solicitor General, since upon it would fall the task of certifying that a municipally-organized policing service was efficient within the meaning of the provincial criteria for providing the conditional grant portion of the approved police expenditures.

This would be a great improvement upon the present system under which audits of municipal and regional police services are carried out by Policing Services Division without mandated criteria and without any sanctions to ensure that needed changes are carried out. The audit function now proposed would have both identified measures against which to check on municipal and regional police services and the means to ensure that its requirements are met.

All of this will create the need for more expertise within the Policing Services Division of the Department of the Solicitor General, with a sufficient budget to promote the delivery of effective and efficient police services. It will require a carefully selected and professionally trained audit section which should be drawn, in part, from municipal and regional police services, who would be seconded to the Department of the Solicitor General for periods of two to three years, after suitable training. Retired police personnel should only be used for this function sparingly, as the changes in police work in recent times - technologically, procedurally and evidentially - are such that policing concepts quickly become impractical and out-moded. Where recently retired police are used, care should be taken that they come from a variety of police backgrounds - provincial, regional, municipal and RCMP - rather than exclusively from one group only. This helps in cross-fertilization of ideas and prevents giving a perception that only one background is appropriate to this work. A mix of recently retired and current-serving, seconded police officers would make the ideal audit team to carry out the police-oriented functions envisaged by this approach.

RECOMMENDATIONS:

Solicitor General:

6. The Department of the Solicitor General should be provided annually with a portion of the funds presently supplied to municipalities by the province in the form of unconditional grants. This portion should represent an amount to be negotiated among the municipalities and the Departments of Solicitor General, Municipalities, Culture & Housing and Finance. These conditional grants would be made in respect of police services authorized to act as such under the new provincial policing policy.

7. A professional auditing team comprising representatives of the Department of the Solicitor General should assess the budgets of authorized police services to see if they are eligible to receive the contribution from the Department of the Solicitor General. This funding will only be available to police services that meet the capability factors set out in the new Police Act and Regulations.

POLICE COMMISSION

There is an on-going political-philosophical debate about whether an unelected body such as the Police Commission should be doing the type of work that it is asked to do under the **Police Act** e.g. check on the adequacy of police services and respond, either on its own motion or as requested by the Solicitor General, to complaints made by the public against the police.

In my view there is a good case to be made for retaining the Police Commission and ensuring that is has the personnel and staffing to make an independent check on how policing is being done in the province and on whether the Department of the Solicitor General is carrying out its mandate. Under the increased role recommended for the Solicitor General in providing a conditional grant for approved regional and municipal policing, there could be the impression that the Department was judge and jury in its own cause unless the Police Commission were to be there as a body to provide cautious, second-thoughts. The Police Commission could play an important role in mediating between the municipalities and the province when proposed police budgets are in dispute, e.g. where differences of opinion arise within the audit team or between municipalities and the provincial Departments on the amount of the conditional grant, the adequacy of police services being provided in a particular part of the province or the costs that are being projected to support such services. The most important role, however, should be to continue to act on public complaints against the police and to have restored to it the job of hearing appeals from findings and penalties imposed by Chiefs of Police or their delegates in police discipline cases.

The Police Commission cannot, in my view, continue in its present condition. There is a need for a full-time Chair, a full-time Executive Director and part-time or contracted Members, investigators, mediators and researchers. Many millions of public dollars are spent annually in the province on public policing and it is not an unwise expenditure to allocate a small fraction of this sum to ensuring that those who have the job of providing these services are properly undertaking the task that society asks of them. Effectively organized and staffed, the Police Commission can become one of the means by which the public can approach a non-police organization about how the police are behaving. Because of the enormous discretion which exists in our system permitting the police to decide how to spend their resources and who is to be the target of their activities, there needs to be a non-police organization to which the citizen can turn without first going to the police themselves when that citizen has a complaint about the police.

Indeed a case can be made for increasing the role of the Police Commission in the investigation of public complaints against the police whereby it would have the obligation to investigate all complaints against police in the first place and without first seeking investigation by the police service involved. This would involve attempts, in appropriate cases, to resolve complaints informally and would include options for resolution that would not necessarily involve hearings, where matters were admitted and the citizen was satisfied with the outcome. Particularly lacking, at present, is any centralized record of complaints against police, internal police discipline and their outcomes. Indeed the current system of permitting arbitration as the appeal method from internal discipline can result in a complainant being excluded, at the appeal stage, from the very matter that he or she instigated. It is impossible to justify this as a rational approach to an admittedly difficult public-policy issue.

The present compromise being used in New Brunswick of maintaining a small, part-time Police Commission with reduced powers is, in my view, an unacceptable solution to the inevitable problems involved in finding a suitable mechanism for policing the police and it ought to be made realistic and effective or it ought to be abandoned leaving only the answerability of the Solicitor General in the provincial Legislature as the democratic check on the operations of the Department. In my view, a properly organized Police Commission with an independent mandate to deal with complaints against police, mediate police budget disputes and deal with appeals in police discipline cases would have a viable role to play in the inevitable system of checks and balances that must characterize policing in a modern democracy. That - plus ministerial responsibility - would make for a better system than ministerial responsibility alone.

RECOMMENDATION:

Police Commission:

8. The Police Commission should be retained with a full-time Chair and Executive Director and part-time or contracted Members, investigators, mediators and researchers. It should have the following roles:

- **Complaints against police;**
- **Appeals from internal police discipline cases;**
- **Central repository of discipline-complaint cases; and**
- **Mediation of provincial-municipal or related disputes on eligibility for, or the amount of, conditional grant funding from the Department of the Solicitor General.**

LEGISLATURE

There could be 118 municipal police operations in New Brunswick. That is a consequence of how policing is organized under the **Police Act.** It obliges municipalities to provide for their own policing. Fortunately the vast majority of them make the sensible arrangement of contracting for police services so that, in practice, there are 25 municipal and regional police services in New Brunswick. In addition, the RCMP polices most of the remainder, either provincially or municipally by contract. Something has gone awry here, in my opinion. The intent is sensible, that local people should be responsible for and paying towards the policing of their community but the result fails to achieve the object being sought. In fact, the present arrangements result in many anomalies. Some citizens pay a great deal for policing and some pay little or nothing. Those citizens residing in local service districts, villages and unorganized parts of the province pay nothing directly for police. Those in small towns pay something, depending on whether they have their own police or are under the RCMP provincial contract. Finally those in larger towns pay different amounts again depending on whether they are served by their own police or by the RCMP or by a neighbouring municipal police service under contract.

All of the above raises serious questions for the Legislature and any new **Police Act** must reconsider this formula. The provision that municipalities should be able to contract for policing services is sensible and should be retained. Indeed for many smaller municipalities it may be preferable to contract for policing services from a neighbouring municipality rather than to opt into a regional policing service. The option that must, in my view, be removed is that which permits, and even encourages, the creation of police operations with very small numbers of personnel. Indeed the whole question of police organization should be addressed from the standpoint of identifying the criteria that make for effective and efficient police operations. Rather than moving the minimum threshold for an authorized police service from 3 to 10 personnel (or some such number), the focus should be on what are the essential components of a police service that can properly serve the needs of its citizens and be able to offer viable contracting services to surrounding communities should they wish so to avail themselves.

The definition of the police task is central to identifying the type of organization that would be needed to perform it and place reasonable limitations on cost. In short, the more the police are asked to do the more it will cost. As tasks are added costs increase - as tasks are limited costs decrease.

For a municipal or regional police service in New Brunswick to qualify for the proposed conditional grant contribution to authorized policing expenditures from the Department of the Solicitor General it should have, as a minimum, the following capability factors:

(a) a police-presence function, including personnel policies that encourage police living and working throughout the region for which they are responsible;

(b) a preventive patrol function, including evaluation mechanisms for prioritizing calls for service, analyzing them and providing the means to organize community resources with a view to effecting preventive solutions to local problems of concern to police and citizens;

(c) a detective function, including an evaluation mechanism for analyzing reports of crime and organizing priorities which will direct preventive and detective resources into activities where solutions are most likely;

d) a pro-active function, including a capability to deal with major crimes, including white-collar and organized crime;

(e) a team-management approach which avoids a hierarchical management philosophy and works on police operations in cooperation with a professional police association; and

(f) a community-based and linguistically and culturally sensitive philosophy in the delivery of services with police personnel reflecting community make-up and including both sexes.

In order to field this kind of capability, much larger police units are needed than are currently in evidence in many of the municipalities, towns and villages of New Brunswick. More to the point, however, many larger police units do not, in fact, organize themselves so as to encourage police presence throughout their area, to prioritize their calls, or to evaluate such calls and the crime reports that they receive, with a view to adjusting their crime prevention, preventive patrol and detective strategies to make them most effective.

New regional policing arrangements could be organized to meet these requirements. But this would be a difficult standard for all of the existing municipal and regional police in New Brunswick to attain with the exception of Saint John, Moncton and Fredericton and even they would probably be required to make some major adjustments to some of their present policies to qualify for provincial accreditation. Regionalization of the greater Bathurst and greater Edmundston areas could make such a capability factor possible and, to a lesser extent, the same might be said of the Miramichi.

All of this would be easier to organize, as a policing matter, if the province were to regionalize local government. But even if this step is not taken, regionalization of police services in New Brunswick will become inevitable over time. Movement of population alone, increasingly renders existing municipal boundaries arbitrary and non-functional from a policing perspective. Further pressures for rationalization of police activities and costs can be expected into the future especially because of the increasing mobility of the general population and consequently the ease with which the proportion thereof engaged in the commission of criminal offences can move between the large number of existing police jurisdictions. Coordinating police responses to a province-wide threat at present is an unnecessary nightmare.

Regional police services should be under the control of Boards of Police Commissioners comprising representation from the constituent municipalities together with provincial appointees. Legislation should make it clear that the Board is the employer of the police and civilian members of the police service and that the Board may only act as a Board, none of its powers being possessed by any of its individual members. In addition there should be express wording to the effect that neither the Board nor its members may interfere in the day-to-day operations of the police service or in the investigative or prosecutorial function.

Appeals from disciplinary penalties imposed by the Chief or designate should be to the regional Board of Police Commissioners with further appeal to the provincial Police Commission.

The **Police Act** should contain a provision setting out the issues that may be the subject of collective bargaining and in particular no issue of police discipline or complaints against the police should be bargainable. Reasonable rights for the direction of the police service will be retained by the proposed team-management approach in order that citizens may be better served with adequate police deployment which will not be unrealistically restricted by limitations on the flexible use of personnel. Under this arrangement the partnership of modern police management and professional police associations will ensure that effective coverage and reasonable working conditions will not be mutually exclusive.

In particular, it should be illegal for police to be affiliated with a trade union as this is inconsistent with the role that the police must play in upholding and being seen to uphold the law without even the appearance of bias in one direction or the other. This is true generally, but is of particular moment in trade disputes, strikes and lock-outs where the present arrangements in the province are most open to being perceived as an obvious and regrettable conflict of interest. Instead, each regional police service should have a professional police association of the type currently in place in Fredericton and the New Brunswick Police Association should be a confederation of these professional police associations. Laws restricting trade union affiliations for police are common in Canada and other democratic countries and if the **Police Act** were to be so drafted it could, in my view, easily withstand any challenge under the **Canadian Charter of Rights and Freedoms** as a reasonable limit on freedom of association that is demonstrably justifiable in a free and democratic society.

Another major change in the **Police Act** should be the requirement that no police service should be permitted to investigate crimes alleged to have been committed by a member of that service or by a member of its Board of Police Commissioners. This is not a matter that should be left to the discretion of the Chief of Police. Justice not only being done but being manifestly seen to be done should require that police members should not be asked to investigate their colleagues, or employers. They may, of course, be witnesses in the case where this is unavoidable but they should not have charge of the investigation and should not complete the confidential instructions to the Crown in the case.

These are the major legislative changes that would have to be made in the **Police Act** but there are others that should be the subject of further consultations and the results should be considered as provincial standards to be enacted in **Regulations** to be made under the new **Police Act**. Some obvious examples of topics that should be expressly authorized to be the subject of **Regulations** under the **Police Act** would be:

High-speed police chases
Police-cell accommodation
Job classifications requiring peace-officer status
Control of firearms, ammunition: issue, inspection, testing
Recruiting, training, promotion
Discipline, complaints against police.

The new **Police Act** and **Regulations** should contain a consistent and coherent set of principles dealing with policing and inconsistent provisions in the **Industrial Relations Act**, and the **Municipalities Act** should be repealed. The police, as upholders of the law, are in a sufficiently anomalous position to be regarded as distinguishable from other workers.

The **Police Act** and **Regulations** made under it should contain as much of a professional police code of behaviour as it is practicable to define with precision under provincial jurisdiction. In this way police actions can be judged and the public assured that their powers are not being abused without the overlapping provisions that create confusion at present e.g. the role of a Police Chief in relationship to that of a City Administrator and the role of labour arbitration in relation to police discipline appeals and the final resolution of public complaints against the police. Obviously a healthy regime of collective bargaining and labour arbitration would continue in those areas outside the purview of the **Police Act** and **Regulations.**

RECOMMENDATIONS:

Legislature:

9. The Police Act should lay down the minimum capability factor for authorized police services in New Brunswick as requiring:

(a) a police-presence function, including personnel policies that encourage police to live and work throughout the region for which they are responsible;

(b) a preventive patrol function, including evaluation mechanisms for prioritizing calls for service, analyzing them and providing the means to organize community resources with a view to effecting preventive solutions to local problems of concern to police and citizens;

(c) a detective function, including an evaluation mechanism for analyzing reports of crime and organizing priorities which will direct preventive and detective resources into activities where solutions are most likely;

(d) a pro-active function, including a capability to deal with major crimes, including white-collar and organized crime;

(e) a team-management approach which avoids hierarchical management philosophy and works on police operations in cooperation with a professional police association; and

(f) a community-based and linguistically and culturally sensitive philosophy in the delivery of services with police personnel reflecting community make-up and including both sexes.

10. If local government is regionalized, policing should be regionalized as part and parcel of the larger exercise.

11. Even if local government is not regionalized, regional policing should be introduced as the only means, outside RCMP arrangements, of attaining the necessary capability factors.

12. No new municipality should be allowed to be created without the question of how it is to be policed being first settled in accordance with the above principles.

13. The police governing authority for regional policing should be a Board of Police Commissioners who should be the employer of the police and civilian members of the regional police.

14. Representatives of professional police associations should be recognized as part of the management-team for policing operations in authorized regional policing arrangements.

15. The Police Act should contain provisions on the matters that may be the subject of police collective bargaining and those that may not.

16. The Police Act should not permit professional police associations to be affiliated with a trade union.

17. The Police Act should not permit a police service to investigate crimes alleged to have been committed by its own members or members of its own Board of Police Commissioners. In such cases, the appointment of the service to carry out the investigation should be by the Solicitor General.

18. Regulations under the Police Act should set out provincial standards for:

High-speed police chases

Police-cell accommodation

Job classifications requiring police officer status

Control of firearms, ammunition: issue, inspection, testing

Recruiting, training, promotion

Discipline, complaints against police

MUNICIPALITIES

On several occasions during this study it was said by people who were consulted that municipal politicians have more "clout" in New Brunswick than members of the provincial legislature and that, because of that, it is difficult for the province to show leadership in any area that is perceived to go against local interests. Policing is seen as an area to which this rubric applies with particular emphasis. It is certainly true that many of the local politicians who were consulted were adamant that they preferred either the **status quo** on policing or a regionalization that would make their existing municipality the major player in any proposed reorganization of policing.

A good example of the type of discussion that emerged is provided by that which involved the geographic region comprising Moncton, Dieppe and Riverview. Representatives from Dieppe and Riverview made it abundantly plain that they did not favour regionalization in this area whether it were to be regionalization of local government or of policing. On the policing issue, each group wished to retain the Dieppe municipal police and the RCMP respectively as their police service. Each claimed to be thoroughly satisfied with their present arrangements and to see no benefits arising from regionalized police services but only negative consequences i.e. higher costs combined with lower police availability and visibility in their respective communities. No-one from Moncton appeared to share these concerns, which fits with the theory that the component perceived as the largest player does not seem to share the concerns of the other potential partners in regionalization. Riverview representatives, for example, would welcome being the centre of a larger RCMP regional police presence for the whole of Albert county but not one including Moncton or Dieppe. Thus it appears that the issue is often not regionalization **per se** so much as the role that a community feels it will play in any proposed regionalization.

This phenomenon was observed throughout the province, so that, for example, the Town of Sussex had an interest in the development of a regional police service for Queens County that would be based on Sussex; although some people in Rothesay may have an interest in expanding its regional services to other surrounding communities it evinces no interest in being part of a larger regionalization based on Saint John; and Beresford was very happy with its role in the BNPP regional policing arrangement but had major concerns about being part of a larger regional police operation that might include Bathurst.

In returning now to the issues as they affect Moncton, Dieppe and Riverview, therefore, we have seen that similar issues are to be found arising throughout the province and much, though not all, of what follows is of general application in devising a policing policy for the future.

There are already many areas in which Moncton, Riverview and Dieppe cooperate: water and sewage systems, pest control, the Planning Commission, library facilities, transit system, waste management, art centre, economic development and the Chamber of Commence. Indeed only police, fire, public works and leisure remain solely under local control. Despite this high level of regional integration, the feeling persists that in policing, Dieppe and Riverview members serving on a regional Board of Police Commissioners would be outnumbered and outmanoeuvred by Moncton members. Asked why this perception would apply in policing any more so than in any of the other services above where relative size and representation must raise similar concerns, the reply seems to be that Dieppe and Riverview cannot afford these services on their own but they can afford policing and can do it cheaper and better than Moncton can or a regional police service could. Whether this rationale would survive a change of provincial policy whereby a portion of what is now received as unconditional grant would be funnelled through the Department of the Solicitor General on a conditional grant basis for authorized policing expenditures on approved police services is questionable. In other words, the contribution that the present unconditional grant system makes to municipal financing decisions may, until now, have prevented a full consideration of what any particular municipality can, in fact, afford.

The major concern of the smaller municipalities in any proposed regionalization is that the largest municipality will not only dominate the Police Board but that all police activity will be centralized at the core of the largest component member with only occasional police cars being dispatched to the smaller municipalities when the regional administration deems it essential to do so. This follows a "takeover" theory of regional policing whereby the largest component becomes better served at the cost of the smaller components. In my view, the criteria for qualifying as a proposed regional police service in the province would not permit this mode of police organization. Unless the regional police service were organized in a community-oriented manner that encouraged police to live and work throughout the area for which they were responsible (amongst other criteria set out in this study), it would not qualify for conditional grant funding from the Department of the Solicitor General. Thus, as an exercise in practical fiscal management, it would not be authorized to provide regionalized policing services in such a centralized, non-community based manner as its detractors fear. In particular, the regional police service would have to demonstrate that it had the capability to service the public in its area in a linguistically and culturally sensitive manner in order to qualify for conditional grant funding from the province. Communities going into such policing arrangements would not be buying a "pig in a poke" but would know the criteria that had to be met beforehand and would be a party to the negotiations with the provincial Departments on the size of the conditional grant. More to the point, there would be the power to enforce compliance with the police-capability criteria by complaining to the audit personnel in the Department of the Solicitor General if the criteria were not being met. Further, there would be a right of appeal to the Police Commission if a community was not satisfied that the audit function or the conditional grant procedures had been fairly conducted.

The next argument that may then be raised is why should the Department of the Solicitor General and the Police Commission, neither of which is susceptible to local government control, play such a central role in the provision of police services? One answer is to say that in non-First Nations policing situations it is clear that the province has a constitutional obligation to deal with policing and that only by controlling a percentage of the budget can it have an effective say in how this responsibility is discharged. Simply leaving policing to a municipality just because municipal organization has occurred, is productive of too vast a difference in quality of policing to amount to a genuine discharge of that constitutional responsibility. Another is to point out that the budget would still be set **in toto** by the regional police board and approved by the constituent Councils so that the major role would, in fact, still be played locally. But, if these expenditures are to attract the proposed provincial government conditional grant for policing, the basic criteria for effective and efficient policing as laid down in a new **Police Act** would have to be present in the arrangements made to police the region.

This approach recognizes that bigness **per se** is not the answer in policing. There are many advantages to the methodology adopted in small town policing, in particular, police presence in the community and flexible work arrangements which unreasonable restrictions found in some big city collective agreements make impossible. A police service authorized under the new arrangements would be able to adopt some of the more successful methodologies of the small town police to the proposed policing organization.

This said, however, there remain many problems with small town police services. Some perpetuate the perception that municipal policing is one rung down from the RCMP; they cannot provide a full police service although they often claim to do so; when the RCMP has to be called in to provide a service not available in the municipal police service there are major problems with how the municipality is able to budget and pay for the cost which is then recovered from them by the province; there are problems in following-up on files, each case has to be dealt with by the first officer who comes in contact with it unless it has to be handed over because of lack of training or expertise, e.g. sexual assault or drugs; programmes like Neighbourhood Watch lack someone with the time to give them consistent attention so that they are started-up and not always carried on; there is duplication in rank structure (too many Chiefs supervising not enough police); there is difficulty in coordinating integrated police activities at the regional or province-wide level. In small municipalities the police service has no infrastructure and is totally dependent on municipal administration which reduces access to management information services and the like; some lack direct access to CPIC - the basic national police computer system; some lack any form of computerized reporting and retrieval system; indeed only recently have some instituted a basic filing system for their paperwork. Further, the smaller the police service the less likely it is that both sexes will be represented on its personnel. All of these defects can be easily overcome in reorganized regional policing services.

But it is equally true that there are problems with big city police services too. It is all too easy to become remote from the public and to police from a central location whereby citizens in the suburbs and outlying districts may feel that they seldom see the police or feel they experience long delays in having police respond to calls for service.

The challenge of the new police arrangements in the province will be to retain what is good in small town policing while delivering it from an organization that overcomes the inevitable problems which arise in a small town operation, i.e: close contact with the public coupled with flexibility in the allocation of personnel and equipment.

The biggest outstanding administrative problem will occur if police regionalization goes ahead without municipal regionalization because many of the services that a police service uses are controlled by the municipality e.g. finance and municipal operations. Thus data processing, automated books and ledgers, building maintenance, vehicle servicing and repair are neither owned nor controlled by the police department. The questions that arise are: Would a regional police service have its own arrangements of this nature and who would bear the start-up costs of this, or would arrangements be made for one or other of the constituent municipalities making up the regional police service to provide these services to the police? If the former, there are major cost implications with potential for duplication of effort. If the latter, disputes can arise about cost-sharing or competition for the work if it is seen as lucrative by the service-provider.

In the event that local government were to be regionalized, with policing being dealt with as part of the arrangements, these problems would disappear from a police perspective since the police infrastructure would be part and parcel of the regional infrastructure. Should policing be regionalized on its own, then either the police or one or other of the municipal components would have to take on the administrative workload. To avoid unnecessary costs and minimize duplication, I would propose that if police regionalization goes ahead without regionalization of the local governments concerned, then arrangements should be made for the police to use the infrastructure of one or other of its member municipalities rather then setting up separate arrangements. Only if experience showed that, for well-documented reasons, this was not feasible should regional police be provided with their own financial, vehicle, equipment and maintenance support services independent of the municipalities forming the policing region.

It is important to remember that, where new regional policing arrangements are approved, a key task of a new Board of Commissioners of Police would be to select a new Chief of Police. Regionalization of police services may, on occasion, so change the overall linguistic and cultural component of the region that careful consideration must be given to reflecting this in its service-providers and leaders, e.g. in a municipality formerly mainly unilingual but now incorporated in a bilingual region, one would be looking for a healthy complement of bilingual officers and, in particular, the Chief of Police would be expected to be able to deal fluently with a bilingual community in either official language. Further, **Regulations** under the **Police Act** should require that future Chiefs of Police have appropriate minimum formal educational requirements in addition to technical police administrative and executive courses.

All municipalities were invited to make written submissions to the New Brunswick Policing Study and those that did so are listed in Appendix "H".

RECOMMENDATIONS:

Municipalities:

19. Municipal representatives would hold the majority of the seats on regional Boards of Police Commissioners. Other representatives would be appointed by the Solicitor General from among residents of the region.

20. Municipal representatives and officials would be an integral part of the negotiation process with the Departments of the Solicitor General, Municipalities, Culture & Housing and Finance that would decide the amount of the conditional grant for policing by authorized police services.

21. There would be a right of appeal to the Police Commission against a refusal to approve conditional grant funding from the Department of the Solicitor General for alleged failure to comply with required capability factors, or against a budget brought down by a Board of Police Commissioners or against the amount of the conditional grant awarded for authorised policing.

POLICE ASSOCIATIONS

All enterprises engaged in the production of goods or services must make effective and efficient use of land, labour and capital in order to achieve their goals without unnecessary waste of these resources. The personnel component is particularly important in policing because more than 90% of budgets is devoted to the salaries and fringe benefits of the police and civilian members of the service. In policing the people are the most valuable resource.

As a result, good labour relations in police work should figure high in any list of priorities for effective and efficient police operations. Unfortunately, this ideal has not always or been achieved in policing in Canada and both the Maritimes and New Brunswick have not been exempt from suffering the consequences when labour relations in policing have deteriorated to situations involving police strikes, lock-outs and other disruptions of service to the public.

The present law of New Brunswick does not permit police strikes or lock-outs and this is an important policy position which must be retained in any reformulation of policing principles in the province. As I have said before on this topic:

> "Many factors combine to produce a cohesive social system, the criminal law and those charged with its enforcement being only one of the bonding agents and the one at the outer edge of the complex of social, cultural, religious and similar factors which comprise an organized state. But, though at the outer edge of the system, **the law and its enforcement guarantee the opportunity for the others to play their parts.** Law enforcement is an essential service not because, without the other factors, it could sustain a state....**Law enforcement is an essential service because, without it, the other less coercive social and cultural factors could not blossom." (The Police: A Policy Paper (1980)** at 58)

This, in my view, is why New Brunswick is right to ban the police strike and lock-out and why it will continue to be right to do so. In short, the right to strike in policing should not be used as a bargaining chip to be granted in order to achieve any of the other reforms that this study recommends.

Of equal importance to taking a principled position on continuing to outlaw police strikes and lock-outs, will be the task of revisiting the whole question of the **affiliation** of police associations with trade unions. Professional police associations play an important role in policing and, in my view, this role could be greatly enhanced in the future with the advent of a modern team-management approach to policing. Trade unions also play an important and socially useful role in representing organized labour in bargaining with employers over working conditions, remuneration and benefits. The history of western democracies is replete with examples showing that the growth and development of trade unions was an essential corrective to the distortions that occurred in political economies when the interests of land and capital owners were permitted to dwarf to insignificance the interests of the workforce. The fact that attempts to organize workers were viewed as criminal conspiracies in the law of 19th century Europe and North America demonstrates how hostile was the climate that had to be overcome by the union movement and how far personnel organization has come in being accepted as a necessary balance to the other essential economic interests in public and private enterprises producing goods and services in western economies.

All of this said, however, one has to return to the distinction between effective representation by a professional police association and the **affiliation** of these bodies with a trade union. This involves recognition that there is a significant difference between police officers and other workers. The police are required to uphold the law and to enforce it without fear of, or favour granted to, any party. Further, to be effective, they must be seen to be in a position of unimpeachable neutrality in all of their dealings with all segments of the public. How can this appearance of neutrality be sustained when their own professional association is affiliated to a trade union which must, on occasion, in proper pursuit of its legal rights, be engaged in striking, picketing and other industrial action under circumstances where the police must be seen to be maintaining the peace in a fair and just manner between union members and employers? How much more difficult is maintenance of an appearance of neutrality when inevitably, on occasion, such activities go beyond what may be legal or appropriate? Employers and the general public would be entitled to be sceptical about whether this looks like a fair and reasonable situation in which to place police officers - even assuming that no act of favouritism ever occurred in fact.

The growth and development of the Fredericton Police Association and its recent involvement in strategic planning exercises in the Fredericton Police shows that a professional police association can be a thoroughly viable entity without union affiliation and it has the supreme advantage of being seen to be independent of all sides of potential industrial or other conflicts. A professional police association of the type that has grown up in Fredericton is a model for the type of association that could emerge as a contributor to the team management approach to be required of authorized police forces eligible to receive conditional grant funding under the proposals contained in this study.

When the major issues on the right to strike and union affiliation have been decided, the province must then look at the compulsory arbitration system now in place to see if it is serving the public interest. One possible variation on this approach would be to go to final-offer arbitration as the means of breaking an impasse between a police service and its employer. It is suggested that this method encourages the bargaining parties to be more realistic in their demands and, in particular, is often claimed to avoid the creeping cost-inflation involved when an arbitrator "splits the difference" between the parties. At least in theory, final-offer arbitration should make the parties come as close as possible to what they estimate an objective third party would see as a reasonable outcome in the dispute when submitting their final positions.

Of more importance than the particular form that arbitration takes is the vexed subject of what should and should not be arbitrable in the policing context. Once again one is faced with the major differences that distinguish police work from other occupations. As has been stated before but is worthy of repetition, the police are, in peacetime, granted a monopoly on the use of legal force in the execution of their duties. This alone distinguishes theirs from all other jobs. Further, there is only one group upon whom this power can be exerted and that is the public - whether that is found to be a law-abiding or law-offending member of the public in a given case and whether the amount of force used was reasonable in the circumstances are questions for the courts to decide on a case-by-case basis. In addition to the use of force, police are granted powers of arrest greater than the ordinary citizen and, in fact, commence most criminal and provincial prosecutions by making arrests, causing summonses to be issued or using other similar processes approved by law. This being so, no public complaint against the police and no matter of internal discipline that addresses how an officer discharged public duties or functions should, in my opinion, be the subject of a collective agreement or an arbitration award either at first instance or upon appeal.

A collective agreement or an arbitration award is a matter between the police service and its employer. The individual citizen is not directly represented by either body and it is, in my view, the duty of the province to set out in the **Police Act** or in **Regulations** made thereunder a complete **Code of Conduct** to make sure that there is a standard means of investigation, resolution, and (where necessary) adjudication and appeal of alleged police misconduct irrespective of the municipal or regional police service in which the originating incident took place. In setting the minimum standard for police dealings with the public or for supervisory police dealings with alleged police misconduct in the discharge of their duties, there should be a common standard set forth in public legislation to ensure that both the police and public know the ground rules by which police conduct will be tested and, depending upon what is appropriate, corrected, (or in contested cases) inquired into, resolved and appealed. The emphasis should be on improved service to the public and guidance and assistance to the police to achieve such improvements rather than punishment after the fact.

Quasi-criminal codes of disciplinary procedure should be replaced with a system that reduces conflict to a minimum and encourages improved police performance and public satisfaction and eliminates, in all but unavoidable cases, formal disciplinary trials and appeals. A major consultation effort involving public and police representatives should be undertaken to develop alternatives to the present system. It makes no sense to retain the current militaristic, due-process discipline system at the trial stage, only to follow it with a labour arbitration system as the appellate function. This ignores flexible options like informal resolutions, counselling and the imposition of minor, uncontested sanctions all of which have a role to play in addition to the possibility of more serious interventions where serious wrongdoing is uncovered.

These issues apart, most other matters should be able to be the subject of collective bargaining but some care should be taken to prevent the worst of the present arrangements being able to be continued under the new arrangements being proposed herein. A case study in much that is wrong with the present collective bargaining system is presented by the Saint John situation where management rights are acknowledged only **subject to the provisions of the collective agreement**. This collective agreement places everyone in the bargaining unit from constable to Staff Superintendent. Every December every job is posted to be filled by seniority and ability but the senior applicant must be trained to fill it if that be his or her wish. The criterion of "ability" is rendered questionable by the fact that examinations for promotion require only a "pass" and two further chances are given in the event of a failure. Training places are also filled on seniority and a lack of having attended certain courses is expressly ruled out as a factor in promotions although seniority is mentioned. It is difficult to believe that a professional organization in a competitive milieu in either the public or the private sector could survive such personnel policies. In the monopoly position of a municipal police service this has not only been possible but has been in place since the late 1960s in Saint John. This perhaps explains, in part, why Saint John has had five Chiefs of Police since 1985 and that the job appears to lack prestige in that it pays considerably less than its equivalent in Ontario or Nova Scotia. Perhaps the management task has been rendered all but impossible.

In an effort to produce some management capability outside the bargaining unit, two Deputy Chiefs and four Assistant Deputy Chiefs have been appointed. Despite this, by a memorandum of agreement dated November 10, 1988, appended to the collective agreement, the City and the police union purport to define the management duties of the

Assistant Deputy Chiefs whereby they cannot do the work of any member of the union. Inevitably, a grievance was filed complaining that an Assistant Deputy Chief had given an order to a constable to do something at the scene of a legal strike. Under the collective agreement, as interpreted by the arbitrator, this was not permitted. Apparently, the ADC should have spoken to the constable's supervisor who should have passed the order on to the constable. For our present purposes it matters not whether this particular decision is upheld or overturned. Irrespective of the specific outcome, a general policy question must arise over why the City, which can make such arrangements as the law permits with its Assistant Deputy Chiefs, should be making them with its police union which does not represent the ADCs. Further, should a collective agreement under provincial law purport to limit the peace officer powers possessed by a "peace officer" under the **Criminal Code of Canada** as the ADC undoubtedly was?

Other provisions in the collective agreement provide rich grounds for making grievances, e.g. Saint John is policed out of central, north, east and west districts and police management has no right to transfer personnel out of their assigned districts to where the workload may be. Jobs must be filled irrespective of workload, resulting in overtime payments having to be made to fill positions. If additional personnel are needed in a particular district because of workload, management is also required to hire on overtime rather than move personnel from a district where there is, at that time, no immediate need for all of the personnel available on regular duty. This is no doubt good for the police but it is hard to see how the taxpayer is served by all of this. These provisions and others provide fertile grounds for laying grievances under the collective agreement.

Filing grievances is, however, a way of life in the Saint John Police and it is common for over 80 grievances a year to be filed there and for the majority of them to be outstanding at any given time e.g. when I was there in September 1991, 31 of 87 grievances were still outstanding from 1990 and 36 of the 57 filed by September 13, 1991 were still unresolved. Some that go on to arbitration create great expenditures and delays such as an "hours of work" dispute that had consumed several hundred thousand dollars and was still unresolved by September of 1991. It is hard to see what benefit the citizens of Saint

John obtain from this evidence of internecine warfare going on between different sections of its police department. They might be excused for asking: "Are the police there to serve and protect the citizens or to serve and protect themselves?"

Saint John is not alone in boasting a collective agreement that is difficult to reconcile with common sense. In other municipalities too, there are a series of provisions that do not appear to be in the public interest such as a requirement to fix schedules one year in advance and a requirement for equal shifts whereby the same degree of personnel coverage must be provided at all times of the day and night irrespective of police workload needs. Both of these provisions appear to provide opportunities for milking unnecessary overtime payments from the public purse. Questionably legal restrictions on a Police Chief and Deputy Chief from performing the duties of police officers also appear in at least one other contract raising the same issue as was identified earlier in the Saint John situation.

On the other hand, the Fredericton Police Association has contributed in a most positive way to improving the quality of policing in that city by agreeing to reasonable flexibility on job transfers, single-officer patrol cars in appropriate cases and the acceptance of auxiliary police to assist regular police and to encourage citizens to become more actively involved in directly contributing to the provision of a safe community in which to live and work. Auxiliary police should be encouraged and should not be seen as "stealing police jobs". They can never replace competent, well trained professionals (the more so in an age when technical compliance with the evidential and procedural requirements of the **Canadian Charter of Rights and Freedoms** is a prerequisite to the admission of evidence in a court). They can, however, most certainly assist police to do a better job. This shows that, even under existing conditions, effective management-police association cooperation can be achieved. This said, the province will, in the public interest, have to prescribe some reasonable limits on matters that can be the subject of collective bargaining under the **Police Act**. This will assist some other police operations to get back on track and provide some balance whereby reasonable and safe police working conditions can be achieved without the loss of effective police services provided at a reasonable cost to the public. This will also be highly relevant to any new regional police arrangements because, saddled with some of the existing collective agreements, the Police Board would be sorely tried in attempting to provide adequate policing at a reasonable cost.

The New Brunswick Police Association (NBPA) made a written submission to the New Brunswick Policing Study suggesting that municipal police provide better service to their communities at a lesser cost than RCMP policing services and that great savings could be obtained by replacing RCMP with municipal police arrangements. These issues are addressed under the section below on FINANCE.

RECOMMENDATIONS:

Police Associations:

22. The Police Act should continue to prohibit police strikes and lock-outs and provide for compulsory arbitration of unresolved disputes.

23. The New Brunswick Police Association should be a federation of professional police associations from each of the proposed regions and none of them should be affiliated with a trade union.

24. Appeals against penalties imposed following internal police discipline or as a result of a complaint against police by a member of the public should be to the Police Commission and not by way of arbitration.

25. Quasi-criminal codes of police disciplinary procedures should be replaced with a system that emphasises flexible options, improved performance, informal resolutions and counselling, retaining more serious interventions only for proven cases of clear impropriety.

THE PUBLIC

Members of the public, as consumers of police services, have a vital role to play in the development of a coherent policy on how policing is to be done in the province and how it is to be paid for. Identification of what the public expects from the police, what it receives, who it feels should pay for police services and whether enough is being spent, are therefore important components in the mix of interests that claim to be stakeholders in the debate on what, if anything, should be done about the delivery of police services in New Brunswick now and in the future. With this in mind, and as only one component in the various background documents prepared as part of this study, Baseline Market Research Ltd. conducted 525 completed telephone interviews with New Brunswickers between December 5 and December 17, 1991 on a variety of police-related topics and obtained answers which are summarized below in the sections dealing with the background studies. In addition a public notice (Appendix "G") was inserted in the media requesting any member of the public who wished to comment on present or future policing arrangements or needs to communicate with the senior consultant. Details of replies are contained in Appendix "H".

Sometimes when I spoke to police during this study, individual officers would tell me that there would be a wide gap between the perception of the public (that crime was rampant) and the reality (that New Brunswick was generally quiet and safe and that a **cause celebre** like the Alan Legere case was a terrible exception to the rule). The results of this survey tend to show that the public perception is closer to the reality (and to police opinion) than some police officers thought.

RECOMMENDATION:

The public:

26. All households and businesses should pay an identifiable amount towards police services. In this way demands for police service can be more directly tied to the fact that there are costs involved in providing such services.

FIRST NATIONS POLICING

The First Nations of New Brunswick were invited to take part in this policing study and, if they so wished, to be represented on the Advisory Board which met regularly with the senior consultant during the latter half of 1991 and provided input into the terms of reference for the study and offered opinions on the nature of present and future policing arrangements in the province. The First Nations chose not to become involved and it is important to attempt to identify some of the perfectly understandable jurisdictional and other issues that may have caused this decision to be made.

As I have written elsewhere, First Nations had their own autonomous societies before the arrival of Europeans in Canada. These featured a variety of approaches including functional leadership and informal political structures. In addition, First Nations societies were economically self-sufficient having developed economies based on hunting, trapping, fishing and gathering. They were societies rich in traditions and cultural values with distinctive ways of defining justice and crime and specific institutions to implement these ideas. The notions of crime and punishment were and continue to be profoundly different than those in Euro-Canadian society. Imprisonment was never used as a form of punishment. Only in the most extreme cases of community wrongdoing would a member of a band be banished from the community and even then for a limited time during which the individual could cleanse himself and renew his relationship to the Creator. To be sure, conflict within the community had to be resolved and was resolved through the use of traditional means, including sometimes a peacemaker. In no way could a traditional dispute resolution process such as a peacemaker be equated with a judge in the Euro-Canadian tradition. The names reflect the profound difference in the role....The arrival of Europeans produced a profound effect on these societies and their way of life (**Tay Bway Win: Truth, Justice and First Nations** at 4).

This massive impact is still being felt. First Nations claim to have an inherent right to self-government. This claim is seen as existing prior to and independent of Section 35 of the **Constitution Act** 1982 by which the existing aboriginal and treaty rights of the aboriginal peoples are recognized and affirmed. Even so, s.35 provides a second route by which outstanding aboriginal claims may be addressed. Further, under Section 91(14) of the **Constitution Act** 1867, the federal government is granted legislative authority in respect of "Indians and lands reserved for the Indians". For at least these three, and probably for other, reasons First Nations perceive great constitutional and jurisdictional difficulties in being seen to be dealing with a provincial government on a matter such as policing on First Nations territories since this topic is viewed by them as an integral part of their inherent right to self-government. Even from a non-aboriginal perspective, policing on First Nations territories may be held to be part and parcel of aboriginal or treaty rights under the 1982 **Constitution Act.** This issue has not yet squarely come before the Supreme Court of Canada. As a matter of current law, outside purely constitutional considerations, there is still the area of existing federal legislative competence which has resulted in such legislation as the **Indian Act** and **By-laws** and **Regulations** made thereunder. All of this indicates that First Nations policing issues are not necessarily concerns that affect, or only affect, the provincial government. This, in my view, goes some way to explain First Nations reticence to become overtly involved with a policing study being conducted by a Department of the New Brunswick government.

On the other hand, the provinces of Canada claim that Section 92(14) of the **Constitution Act** 1867 grants to provincial governments legislative competence in the field of the administration of justice in the province. This power, at least as a general principle and without specific reference to any special considerations that may apply to First Nations territories, has always been held by the courts to include the policing function.

In the past, and sometimes in the present, this jurisdictional stand-off - whereby each of the three parties asserts its constitutional right to jurisdiction over an issue to the exclusion of the others - has placed log-jams in the way of making progress in a practical way towards improving conditions on First Nations territories, at least until the constitutional wrangle can be settled. Because of the difficulty of settling just what is meant by "self government" or "aboriginal rights" at constitutional negotiations, delays in resolving this impasse have occurred, at least since 1982 and, I expect that the First Nations would say, for much longer than that. One solution used in some provinces in Canada is to negotiate practical solutions to concrete issues, such as policing on First Nations territories, by signing a tripartite agreement among the federal, provincial and First Nations parties in which the following clause, or one like it, appears:

> "Nothing in this Agreement shall be so construed as to affect, prejudice or derogate from aboriginal, treaty, constitutional or any other rights, privileges or freedoms which have accrued to or may accrue to any First Nations regardless of whether such rights, privileges and freedoms are recognized, established and defined before or after the execution of this Agreement."

This clause recognises that First Nations do not give up or otherwise impair any of their constitutional rights by becoming involved with federal and provincial governments in the design and implementation of First Nations police services on First Nations territory. Some of these arrangements exist where both the police officers and the members of the police governing authority are First Nations members. The relevant constitutional positions of all parties to the agreement can also the safeguarded by a clause of the following type:

> "This agreement shall not preclude and shall be without prejudice to any constitutional discussions and processes or the positions that any of the Parties hereto may adopt in any other forum."

This clause provides comfort to all of the parties that, pending resolution by First Ministers' Conferences or the courts of their constitutional disputes, reasonable reforms may take place to improve the quality of life on First Nations territories, whether this be by way of a more effective and efficient policing system or some other community initiative.

The federal government in 1991 approved a national policy on its approach to First Nations policing which claims to provide a basis for improvements in the level and quality of policing services in First Nations communities and recognizes greater involvement of First Nations governments in this important component of the administration of justice. The hallmarks of the policy are stated to be professionalism, cultural sensitivity and community involvement. In the view of the federal government a tripartite partnership, among Canada, a province and the First Nations, is the key to achieving these improvements which call for the federal government to contribute 52% and the provincial government 48% of the costs involved. On April 1, 1992 the federal Department of the Solicitor General becomes responsible for federal input into the negotiation of and contribution to First Nations policing in Canada.

These proposed arrangements are very different from those presently in operation in New Brunswick. St. Mary's is policed by the Fredericton Police on a contract paid for by Indian and Northern Affairs Canada and all other reserves in the province are policed by the RCMP, some of whom - as in the case of Fredericton Police - are First Nations members. These RCMP members were formerly identified as Special Constable positions but their category has now been altered to that of regular RCMP members following additional training. Even prior to the recently announced federal policy on First Nations policing, the RCMP operated a cost-shared Native Special Constable programme in some provinces where federal and provincial funds contributed to First Nations policing - called the RCMP 3(b) option - but New Brunswick did not participate in that initiative.

What is occurring in Ontario, for example, is the growth and development of First Nations policing by First Nations Constables, either as members of their own police service (such as the Six Nations Police) or by First Nations Constables under the programme management of the Ontario Provincial Police (First Nations and Contract Policing Branch). This is somewhat different from the New Brunswick situation where (with the exception of St. Mary's) the RCMP provide policing services to the Indian Reserves as a part of its provincial policing responsibility (cost shared 70% provincial, 30% federal). In addition, the federal government pays the total cost of the Band Constable (Circular 55) program.

What the future holds for First Nations policing in New Brunswick will depend, to a very large extent, upon what the First Nations wish to see happen in this field and whether the federal government will be willing to continue to pay 100% of the Band Constable program. From a provincial standpoint, it would appear that the ball lies in the court of the First Nations. Are they satisfied with present policing arrangements on First

Nations territory in New Brunswick? Do they wish to set up their own policing; do they wish only to involve the federal government bilaterally in making any needed improvements in policing; would they prefer to enter tripartite negotiations with Canada and New Brunswick to see how the new federal First Nations policing policy might apply in the New Brunswick context?

What is happening in Ontario or elsewhere in Canada in this connection may not be appropriate for New Brunswick and it is clear that the policing policy in this province will have to address the specific needs and concerns as they are expressed in New Brunswick.

Since it appears that First Nations members represent just over 1% of the population of the province yet provide about 5% of the jail population, it seems clear that some attention should be devoted to finding out the causes of this imbalance. Present statistics do not identify whether these figures relate to on-reserve or off-reserve residents.

In my view, the province must be ready, willing and able to discuss all of these police-related issues with both the federal and First Nations governments to ascertain what, if anything, needs to be done and what, if anything, the province can realistically do to seek solutions to such problems as are identified. In the absence of input to this study from the First Nations, it would be improper for me to make any further, more specific, recommendations.

RECOMMENDATION:

First Nations:

27. In the absence of input to this study from the First Nations, despite requests for such involvement should it be their wish to do so, no recommendations can be made other than to suggest that the province should be ready, willing and able to discuss police-related issues with both the federal and the First Nations government representatives if and when they wish to pursue changes to the present policing arrangements on First Nations territory in New Brunswick.

RELATED AGENCIES

Department of Justice

When the Department of the Solicitor General was set up as separate from the Department of Justice, the Department of the Solicitor General was not provided with the type of infrastructure to permit it to advise the police on court-imposed requirements on investigative and evidential issues, particularly under the **Canadian Charter of Rights and Freedoms.** Since April 17, 1982 a quiet revolution has occurred in the criminal courts of Canada. Until that time it had been clear that if the evidence was relevant to the offence with which the accused was charged it was generally admissible as evidence in the case. Exceptions were narrow and related mainly to well known rules on the admission of confessions and more recent developments on the admissibility of evidence obtained by means of electronic surveillance.

Since 1982, however, the key question has become "Was the evidence obtained in compliance with the accused's legal rights under the **Charter of Rights?**" For example, was the search or seizure reasonable? Was the accused informed of his or her right to counsel and informed of that right without delay? Was the accused informed of the availability of duty counsel and legal aid? Was the accused subjected to arbitrary arrest? Will the admission of such evidence bring the administration of justice into disrepute? Thus, increasingly, the focus in the criminal courts is upon the quality of the police investigation which has to pass muster under the **Charter of Rights** before any of the evidence obtained can become evidence in the case no matter how relevant it may be to proving the guilt of the accused. Decisions by the higher courts now routinely have a crucial effect on the proper way for police to investigate, arrest, search, seize and question in the execution of their duties.

Is it the role of the Department of the Solicitor General to be keeping police abreast of these developing cases or is it the role of the Department of Justice to do so? An important policy decision has to be made here and the necessary resources placed in the

Department to which the task is given. The location of the task is less important than is the need for its performance to be recognized and funded appropriately.

The respective roles of police and Crown prosecutors in New Brunswick in laying informations and having carriage of prosecutions are not always well understood by police. Because prosecutors in New Brunswick routinely supervise informations that are laid following arrests or laid in order to obtain summonses or warrants, some police believe that the system prevents them from laying an information when, in law, they have reasonable grounds to do so unless they have the "permission" of a Crown prosecutor.

Anyone - not just the police - may lay an information on reasonable grounds before a judge or a justice of the peace, if a province has such an office, and it is for that official to turn his or her mind to whether or not to accept the information and issue a summons, warrant or other relevant process. If the information is accepted, it is entirely a matter of Crown discretion whether the Attorney General will (a) proceed with the prosecution, (b) withdraw the matter prior to the accused being asked to plead to the charge, or (c) enter a stay of proceedings at any time prior to the verdict. After a plea has been entered in court by an accused, it is a matter of judicial discretion whether to allow a withdrawal sought by the Crown.

If a would-be informant has been told that it is the Crown's intention not to proceed with a case, this may cause a police officer or a citizen to choose not to proceed with laying the information before a court and the Crown's explanation for not wishing to proceed will not be a public act. If, however, the informant insists on proceeding, a question arises about whether the Crown can, in law, deprive such an informant of that right except in the very limited number of cases where the consent of the Attorney General to the commencement of proceedings is expressly said to be necessary by the statute creating the offence (e.g. advocating genocide under the **Criminal Code S.318(3)**).

In the general case, therefore, if the informant is able to insist on proceeding when the Crown has indicated that it does not intend to proceed with the alleged offence, the

Crown will have to withdraw or enter a stay in open Court in cases where the information is accepted by the court. In this event, the Crown may have to explain this action on the public record. Further, a court before which an information is properly laid must turn its mind to the question of whether to accept the information or not and, in the general case, the consent or otherwise of the Crown may not be a legitimate factor in making such a decision. The current general principle of our law is that anyone who has reasonable grounds for believing that an offence has been committed may lay an information. Since public funds are used to carry out the investigation, however, it is sometimes suggested that this gives the prosecutor a right to say whether the prosecution should be continued and that this does not place an unreasonable limit on a police officer who is not really acting as a private citizen in this respect. This is an area of constitutional law that has yet to be finally resolved.

Several police officers to whom I spoke in New Brunswick felt that the Crown has too much say in whether a charge is laid. To the extent that this is based on a misapprehension of the processes as I have set them out above, it is hoped that this report clarifies the position. To the extent that the system in New Brunswick differs from the above, I recommend that it be reviewed and the results communicated to the various police services in the province. It should be noted that the New Brunswick Policing Study has no mandate to deal with matters within the purview of the Department of Justice and these comments are solely restricted to the extent to which policing operations may be affected by decisions made in that or any Department other than that of the Solicitor General.

RECOMMENDATIONS:

Related Agencies:

Department of Justice

28. Although this study had no mandate to look at matters within the purview of the Department of Justice, it is important that either the Department of the Solicitor General or the Department of Justice should be identified as having responsibility for keeping police services in New Brunswick abreast of the investigative consequences of court rulings on the Canadian Charter of Rights and Freedoms. If this is to be undertaken by the Department of the Solicitor General then appropriate funding has to be provided as this function was not expressly identified when that Department was separated from Justice.

29. There is some confusion in New Brunswick police services about the relative roles of the police and the prosecutor in the laying of charges and the carrying forward of prosecutions. The current policy of the Department of Justice should be clearly explained to police to reduce needless misunderstandings.

Courts

The closing or suspension of operation of satellite courts and the security of Provincial Courts are two related issues which impact on the allocation of police resources. Police feel that decisions made in order to save money in one part of the justice system are sometimes made with insufficient consultation whereby costs are increased at the front-end of the system for police. Some examples reported by police were that the closing or suspension of operation of satellite courts has reduced the opportunities that police have to consult with Crown prosecutors and has increased travelling time to and from more distant courts where attendance is required either to give evidence or for the purpose of transporting of persons held without having been admitted to some form of pre-trial release. Thus Minto RCMP have to travel 40 miles to Burton as opposed to having a court sit in Minto at regular intervals to set dates for trial and deal with guilty-pleas. A related issue is the question of the placement of courts, e.g. Rothesay Regional Police have to travel 20 miles to Hampton for court even though they provide a substantial amount of the work for that court. This leads to questions about whether courts are situated where the work once was rather than where it currently is. Sackville Police travel 40 miles to Moncton now that operation of the Sackville Court has been suspended and they had police personnel in court in Moncton every working day during the month of June 1991. On the day of my visit to Sackville, three officers were in court in Moncton leaving only one officer on patrol in the town. In my view, no decision should be made to open, suspend operation of, or to close courts without some attempt being made to cost the advantages and disadvantages to different provincial ministries and as between the province and municipalities. In some cases it may well be that an apparent saving in the budget of the Department of Justice may turn out to result in an equal or greater cost to the Department of the Solicitor General or to the Department of Municipalities, Culture & Housing and their "clients", the municipalities. The proposed saving may simply result in both disruption and increased costs overall or disruption without any overall saving. The separation of the Department of Justice from the Department of the Solicitor General probably means that the latter has reduced opportunities for input on the policing consequences of these Justice decisions about the courts unless special steps are taken to guarantee appropriate inter-Departmental consultation prior to any implementation.

Court security and the transportation of prisoners to and from courts appears to be split between police and sheriffs whereby generally the police role is to look after security and prisoner transport to and from Provincial Courts. The sheriffs undertake similar functions in respect of the Queens Bench Courts although there are local variations in procedure in different parts of the province by mutual, though not always harmonious, arrangements between police and sheriffs. The dispute between police and sheriffs tends to be over responsibility for transporting prisoners remanded or sentenced to correctional facilities from Provincial Courts, each side feeling that this should be the task of the other. This division of work tends to make the province liable for transport and security costs for the Queens Bench Courts and a municipality generally responsible for transport costs in respect of cases originating in that municipality and for security costs in respect of a Provincial Court situated within its boundaries. In my view, this is work that could generally be done by private security firms at less cost than police and sheriffs and resulting in a freeing up of police officers to perform duties for which their training better equips them. This would also have the advantage of reducing any perception that the police and the courts are overly close in carrying out their respective roles. Special or unusual cases posing an extreme security risk could be dealt with by **ad hoc** arrangements depending upon the circumstances.

The final area of potential conflict between the police and the courts relates to the collection of fines by police. RCMP, municipal and regional police to whom I spoke were unanimously of the opinion that they should not be, nor should they even appear to be, in the business of collecting fines from the public. This is seen by them as a conflict of interest and, in their view, blurs the distinction between the role of the police and the role of the courts. As a general principle, it should be the job of the police to report allegations of offences to the courts and it should be the job of the courts to adjudicate thereon, impose appropriate sanctions (if any) and collect monetary penalties. This approach should not change simply because an accused is willing to admit the matter and pay a fine without appearing in court.

In my view, documentation relating to alleged offences should not refer to a police station as a location at which a fine may be paid as this gives the public the impression that the police have a pecuniary interest in the outcome of the case rather than a genuine desire to uphold the law in a fair and just manner. Where payment cannot, for any reason, be made directly at a court, postal payments should be encouraged. Other locations that might be considered as payment-centres are town halls or financial institutions which are already set up for receiving payments of all kinds and which might, for a fee, be more than willing to provide this service to the province and municipalities. People who are willing to pay fines by these more public methods will, no doubt, balance the advantage of the convenience of the method of payment against any perceived disadvantage in losing confidentiality. This decision would, by this scheme, be left to the individual citizen to make.

RECOMMENDATIONS:

Courts:

30. Courts should be placed where the majority of the workload is generated and should not be closed or their operation suspended without an examination of the costs to other Departments and municipalities. A saving in one government account can simply appear as an additional cost in another. The Departments of Justice and the Solicitor General should develop a mechanism to assess where courts are held relative to police workloads and to explore the full ramifications of court closures or the suspension of operation of courts before such actions are implemented.

31. Consideration should be given to having court security provided by private security contract except in exceptional cases.

32. Police should not be in the business of collecting fines which can appear to the public to place them in a conflict of interest situation.

33. Consideration should be given to having financial institutions collect fines on a fee-for-service basis.

Forensic Science Laboratory

The Forensic Science Laboratory at Sackville is likely to have some of its functions transferred to other locations and DNA fingerprinting has, until 1992, been done exclusively in Ottawa although there is now to be dissemination of this technology to regional laboratories in the near future. The precise location of the facility, about which there has been much speculation over the years, is something of a non-issue as about 70% of the material is sent in by mail. New locations that have been considered include Fredericton and Halifax. In setting up sexual assault teams at local hospitals and in making contacts with police for training purposes, a continued presence in New Brunswick would clearly be a great advantage to police services in the province. Also, laboratory personnel are going to the scenes of crime more frequently and, for New Brunswick, this is obviously more likely to occur if a laboratory continues to be available in the province. Attendance at the scenes of crimes by laboratory personnel is both time-consuming and expensive but it has been found to be productive of better exhibits for use in court.

Laboratory personnel feel that they have a good, cooperative relationship with police in New Brunswick and notice a wide variety in the extent to which different police services submit material to the laboratory. Although part of this can be explained by the different incidence and types of crimes committed in different parts of the province, some of the disparity goes well beyond any such explanations. Considering the wide variety of police services that currently police New Brunswick, this finding is not surprising and probably reflects different organizational arrangements leading to different investigative methodologies.

The advent of the **Canadian Charter of Rights and Freedoms** with its propensity to have relevant evidence excluded from consideration of the courts because of failure by police to comply with its provisions has rendered scientific evidence all the more crucial in the prosecution of certain offences and it is no exaggeration to say that certain important cases could not be prosecuted to conviction without it. Equally true is the fact that powerful new techniques, such as DNA fingerprinting, have been used in several jurisdictions to clear the names of people wrongly convicted of serious crimes. On both counts, it is essential that New Brunswick continue to have access to readily accessible forensic science facilities possessed of these truth-finding capabilities.

RECOMMENDATION:

Forensic Science Laboratory:

34. The continued presence of a Forensic Science Laboratory in New Brunswick would be a great advantage to policing in the province not only for court-related exhibit work but also for training of police, attendance of laboratory personnel at scenes of crime and setting up sexual assault teams at local hospitals. Remaining in Sackville or a move from Sackville to Fredericton would, on these accounts, be preferable to its removal to Halifax from a New Brunswick perspective. Although this issue lies outside provincial jurisdiction as it is a matter for the Solicitor General of Canada, Justice and Solicitor General officials and Ministers should urge their federal counterparts to retain a New Brunswick presence for this essential service.

PLANNING FOR POLICE SERVICES IN THE FUTURE

INTRODUCTION

Only Saint John, Moncton, Fredericton and Bathurst have more policemen than New Brunswick has Chiefs of Police. Expressed in another way, New Brunswick has more Police Chiefs than 21 of its 25 municipal and regional police services have police personnel.

Is this a justifiable use of resources in a small province like New Brunswick? Is there duplication here, not just in administrative rank structure but in the proliferation of small units which it is difficult to integrate into a coherent police organization which will be both efficient and effective over the province as a whole? Does it make sense to give the same title in the same province to a person in charge of 3 people as is given to a person responsible for over a hundred? One way to reduce the number of Chiefs of Police and the number of separate police services would be to organize policing on a regional basis around the main centres of population and have the RCMP police the rest of the province.

The obvious candidates for regionalization are the centres with the most concentration of population - Saint John, Moncton and Fredericton.

Beyond these areas, the centres of population are not nearly so concentrated but many people assume, considering existing municipalities, that the Bathurst area and the Edmundston area would each be candidates for regionalization. Next comes the Newcastle-Chatham area which has been considered for police-regionalization as the Miramichi region and finally the Acadian peninsula is another possible candidate for a regional police service.

The two existing regional police services, BNPP and Rothesay, are quite limited, both in population size and in area being serviced and will, in time, likely experience problems because of lack of essential infrastructure whether one identifies this as communications, computerization, identification services, sophisticated evidence-gathering techniques or long-term ability to train and re-train for compliance with **Charter**-mandated police procedures as described earlier in this report. In this sense, it is questionable whether, despite the names used, regionalized policing has really been tried yet in New Brunswick.

Several other, less obvious, areas might be considered as having potential as regional policing areas. Looking first at existing municipal policing arrangements, Sussex might be expanded to Sussex Corner and south-west to Norton. This could create a police service of about 13 personnel policing 6,200 residents in a regional operation; Nackawic might be the centre of a population base of 9,000 in School District 28 with a regional policing outfit of about 18; alternatively a larger region might be centred out of Woodstock with 50-60 police servicing a region of about 30,000.

Turning now to existing RCMP policing arrangements, Campbellton could be policed by the RCMP out of one command structure, policing the town, the rural section surrounding it and providing the highway patrol function as an integrated unit rather than maintaining the two existing RCMP operations working out of two separate buildings in the same town. This type of RCMP anomaly is created, in part, by the separation of municipal RCMP contracting arrangements from provincial RCMP contracting arrangements and ought to be rationalized even if this requires some renegotiation of current arrangements with the federal Solicitor General no matter how recently made. This issue will be raised further under the heading of RCMP Contracting Arrangements.

POSSIBLE REGIONALIZED POLICE GROUPINGS

Let us examine each of the above cases with a view to seeing what advantages and disadvantages might accrue from setting up a regional policing operation in any particular location.

FUNDY REGION -

This could comprise the following:
Saint John, Rothesay Regional, Grand Bay and Mispec.
It would require about 240 regional police positions.

CODIAC REGION -

This could comprise the following:
Moncton, Dieppe and Riverview (The Dieppe Division would have to be fully bilingual)
It would require about 150 regional police positions.

YORK REGION -

This could comprise the following:
Fredericton, New Maryland, Lincoln and Hanwell.
It would require about 120 regional police positions.

CHALEUR REGION -

This could comprise the following:
Bathurst, BNPP Regional and the area now policed by the RCMP between Nigadoo and Petit-Rocher and between Petit-Rocher and Pointe-Verte - minor municipal boundary changes could solve this issue. Further, Robertville which borders on Beresford should be a part of this regional police area.
This would require about 45 regional police positions.

MIRAMICHI REGION -

This could comprise the following:

Newcastle, Chatham, Douglastown, Loggieville, Nelson-Miramichi and some of the unincorporated territory currently policed under the RCMP provincial contract.

This would require about 45 regional police positions.

MADAWASKA REGION -

This could comprise the following:

Edmundston, Saint-Basile, Rivière-Verte, Verret, Saint-Jacques, St.-Hilaire. (Iroquois Indian Reserve policing would depend on the outcome of any First Nations policing negotiations referred to earlier).

This would require about 40 regional police positions.

ACADIAN REGION -

This could comprise the following:

Caraquet, Tracadie, Lamèque, Shippagan, and the area around Caraquet and Tracadie now covered by the RCMP.

This would require about 45 regional police positions.

EFFECT OF THE ABOVE ARRANGEMENTS ON POLICING POSITIONS IN PROVINCE

There are currently 1,264 federal, provincial, municipal and regional policing positions in New Brunswick: 665 municipal and regional positions and 599 RCMP federal, municipal and provincial positions. If the province were to decide to create the above seven regional police services and have the rest of the province policed by the RCMP, then the balance of positions would move to 685 regional policing positions and 579 RCMP positions, a net gain of 20 regional police positions with a consequent loss of 20 RCMP positions if one operated on a one-for-one basis and no other considerations intervened. (In practice this simplistic formula would require modification as such a major change would rationalize police personnel deployment throughout the province leading to variations in outcomes.) This solution would involve the RCMP losing considerable places in and around the proposed regions but picking up places in Dalhousie, Shediac, Sackville, Sussex, Blackville, Blacks Harbour, St. Stephen, Nackawic, Hartland, Woodstock and Grand Falls. An arrangement like this would require that existing municipal police officers be encouraged to move around within the province, to obtain the increased opportunities available in the new, larger regional police services. In other cases, natural attrition and severance packages would have to be considered as part of the cost of moving to a more rational and effective policing operation. This would be an example where the courage to make the needed changes would have to be accompanied by the compassion to deal fairly with the consequences.

At 579 positions the RCMP would still have the critical mass to be able to be an effective police service in the province but it would be far from a rich policing formula. Not all of these positions are, of course, provincial and municipal positions but the federal positions are being included to ensure that "J" Division is looked at as a whole and these federal positions do contribute personnel to some of the tactical troops and other special services upon which the province is able to call from time to time. This has proved to be critical to the success of New Brunswick policing in the past and, in my view, these RCMP personnel numbers should probably not be reduced further. RCMP ability to go in and reinvestigate major cases when things have gone wrong in smaller, less-sophisticated police services, is a safeguard that the citizens of New Brunswick would be very foolhardy to dispense with.

Of the seven regions outlined above, the Acadian Region is probably the least viable in that there are only 16 existing municipal police positions in the peninsula at present and by far the most prominent police presence in the area, as a whole, is provided by the RCMP. In this sense, it would be much less disruptive to have the RCMP police the whole of the Acadian peninsula as one unit, then the towns, rural areas and highway patrol can be coordinated as a single rational entity. If the province were to adopt six police regions; Fundy, Codiac, York, Chaleur, Miramichi and Madawaska - then the number of regional police positions would be 640 and the number of RCMP positions would probably be adjusted upwards. A net loss of 25 positions in existing municipal-regional policing positions in the province as a whole would occur under this option.

Another issue that needs to be considered is the effect of the creation of the Miramichi Regional Police on RCMP organization in that area of New Brunswick. This is a key issue which was not dealt with in the Miramichi Regional Policing Study. It is likely that it would no longer be viable to keep the RCMP detachment in Newcastle. The 24 RCMP positions that are currently filled there would probably be redeployed to work out of the RCMP detachments at Renous (10), Richibucto (2), Neguac (3) and Baie-Sainte-Anne (5) with 4 positions to be redistributed elsewhere as needed. An alternative to the creation of the Miramichi Regional Police might be the creation of an RCMP regional policing service for the Miramichi area. This could comprise a detachment in Newcastle for the north side of the Miramichi River with 17 personnel dedicated to the town and 10 for rural and highway patrol duties in Northumberland West and a detachment in Chatham for the south side of the Miramichi River with 18 personnel dedicated to the town and 9 for rural and highway patrol duties in Northumberland East. This would, in effect provide an RCMP regional policing operation which could include Identification services provided out of Bathurst and a dogmaster for the Central-East New Brunswick area.

If the province were to decide to create five police regions; Fundy, Codiac, York, Chaleur and Madawaska - and police the rest of the province with the RCMP, then there would be 595 regional policing positions - a net loss of 70 of the existing municipal and regional policing positions.

The choices, in theory, lie anywhere between three regions and seven regions, but in practice probably boil down to going with five or six regions. I see no great difficulties in working over a period of years towards five or six regions - the choice of whether to go with the RCMP or a Regional Police Service in the Miramichi is one that should be taken first, after the communities and the province have assessed any cost and service alternatives offered and the extent to which the federal Solicitor General and Treasury Board would be willing to allow the RCMP to be a competitor in costing such a service. The uncertainty being created in the area is such that the decision on the form of regionalization to be undertaken should be made as quickly as is practicable. In my view, some form of regionalization is essential to ensure effective and coordinated law-enforcement in the area. The present arrangements should not be allowed to continue to exist.

The order in which the other regionalizations are to be undertaken, if this becomes the policy of the province, is of some importance. Madawaska Region seems the most obvious and unproblematic to achieve, followed by York Region. Each of the others has some outstanding difficulties that have to be faced. In the Chaleur Region there is the cultural and linguistic mix involving the French and English-speaking Bathurst area and the mainly French-speaking BNPP Region and surrounding area. The provision of adequate preventive, investigative and identification services can be more easily achieved at the regional level for both communities and each has much to gain from these and administrative economies of scale. In my view, the creation of the BNPP Region was a good decision as a step on the way to the formation of the Chaleur Region but probably not otherwise and for organizational reasons that go well beyond the competence or abilities of the personnel serving there. In short, the good service now being provided there can only become better by moving to a region able to provide a relatively full police service.

The biggest problems facing the proposed Codiac Region is the unwillingness of the Dieppe police and its municipal representatives to become a part of a regional police (or even more so a municipal) reorganization and the unwillingness of Riverview councillors to give up RCMP policing. In my view, both views are dominated by the conception that the proposed regional policing arrangement would be, in effect, a "takeover" by Moncton which, they feel, would police Dieppe and Riverview from afar by sending a patrol car out to their communities at infrequent intervals. Nothing could be further from the conception of regional policing as put forward in this study. In order to qualify for the proposed conditional grant funding, the Codiac Regional Police would have to be organized in a community-based manner that would encourage police to live and work throughout each part of the region and the location of all police facilities would have regard to the policing needs of the whole region. No region of the projected size of Codiac could "go-it-alone" and avoid such requirements by simply foregoing the conditional grant contribution. Thus all former component-communities would be integrated into the policing system for the region as a whole. In time, it will appear to be obvious that policing, like fire and ambulance services, is best provided on a regional basis.

The main difficulty surrounding the Fundy Region is the existing collective agreement in Saint John which would have to be radically different from the collective agreement in Fundy Region if that operation were to be effective and efficient as a policing operation e.g. seniority-based job-pick and training-pick in their present form would have to go. The proposed changes to the **Police Act** in respect of matters that may be the subject of collective bargaining would have to be in place before this region could be organized. It is said that the citizens and police in Rothesay would have little interest in being included in a Fundy Regional Police but this is, I think, to assume that the Fundy Regional Police would simply be the Saint John Police under a different name. For the reasons given above, when discussing Codiac Region, it should be clear that these new regions would be quite unlike existing regional or municipal police, not only in their organization but also in their funding and accountability. The new partnership of provincial and municipal governments in policing would be a much more active relationship than is presently the case. As such, Rothesay would have much to gain and nothing to lose from being part of the proposed Fundy Regional Police Service.

OTHER SUGGESTED REGIONS

The other suggestions for creating regional policing operations, beyond the ones considered above, are either too small to be viable or would involve too much disruption of existing services without providing sufficient benefits. Thus, the suggestions that Sussex or Nackawic, for example, could be expanded into surrounding areas so as to provide a sufficient land and population base to support regional police services, are not worth pursuing, in my view. Even the enhanced area would not be big enough to provide the minimum infrastructure to support the capability factors needed to attract provincial approval with its conditional shared-funding component. To make such changes would be examples of producing further mini-regions of the type created in Rothesay and BNPP which I have already suggested should now become part of the proposed Fundy Region and Chaleur Region respectively in order to allow them to provide a full police service to those communities. The possibility of expanding Woodstock to become a Woodstock Regional Police with about 50-60 personnel responsible for Woodstock, Nackawick, Hartland and much of the surrounding area now policed by the RCMP, is tempered by the disruptive effect that this would have on the overall policing of the west-central part of the province where the RCMP currently predominate. It is questionable if the benefits would outweigh the costs and, on balance, I would not recommend that a municipal-regional policing service be created there. It would be more effective and efficient, having regard to present arrangements, if that part of the province were to be policed by the RCMP. The opposite is, however, true in Albert county where the suggestion that an RCMP regional police service, centred on Riverview, should be created is not as rational as proceeding to a municipal-regional police service for the proposed Codiac Region as outlined earlier.

RCMP CONTRACTING ARRANGEMENTS

The present system whereby the province has a provincial contract with the RCMP (which includes the policing of 68 small municipalities) and acts as agent for the twelve municipalities that have direct contracts with the RCMP (many of which are smaller than the municipalities covered under the provincial contract) should be reconsidered. There appears to be no functional reason why some municipalities are covered under the provincial rather than the direct municipal contract. Further, municipalities covered under the direct contract pay more than municipalities covered under the provincial contract. Worse, it is not clear what, if anything, residents living outside these municipalities but also covered under the RCMP provincial contract, pay for police services.

In my view, this whole arrangement should be revisited at the same time as the decision is made about regional policing. It appears to me that the role of the municipalities who have direct contracts with the RCMP involves no more than "signing a deal" made for them by the province. If this is so, it is hard to see why there should not be one contract between the province and the federal Solicitor General for RCMP policing in New Brunswick. This said, however, there should then be an attempt made to ensure that all residents of the province in receipt of RCMP police services under that contract pay a fair portion of the costs involved in providing those services. Rather than the present system where there are two rates for different municipalities and a nil rate for the rest, there should be one rate for all municipalities receiving RCMP policing and another for those in unincorporated and unorganized parts of the province. This suggestion will make much more sense if the whole province, outside of the authorized regional police arrangements, is policed by the RCMP.

This should be a matter for consultation among the Department of the Solicitor General, the Department of Municipalities, Culture & Housing and representatives of the municipalities and local service districts. Once an equitable system has been agreed, this should form the basis of the provincial position for renegotiation of a single contract with the federal Solicitor General. In particular, there should be an attempt to view areas of the province policed by the RCMP as natural units for coordinated command which will end the situation in Campbellton of two RCMP locations in the town, one for the municipality and one for the rural and highway patrol function. These arrangements are simply a reflection of the division of RCMP municipal and provincial contracting arrangements that certainly have historical significance but have no functional justification as a policing methodology.

The new RCMP contract permitting municipalities up to 5,000 population to be covered under the provincial contract will assist in preventing the creation of additional small town police services that might otherwise occur, but will do nothing to stop this growth if the **Police Act** continues to permit, and even require, municipalities to be responsible for policing by forming a police service or signing a contract with another police service. The distinction, in my view, is between being responsible for **paying** for policing, on the one hand, and being responsible for **creating** a police service on the other. In the proposed policing policy for the province it would be essential to keep these two issues separated from each other. The two principles that ought to be borne in mind are: everyone should be **paying** something for policing, but only provincially approved police services or the RCMP should be **delivering** police services to the public. Five or six regions and the RCMP would provide a coherent police service for the province, each having territorial cohesiveness and being financially supported by all citizens through provincial-municipal cooperation on cost sharing.

It is many years since the RCMP thoroughly re-thought the policing of the province, including the location of its many facilities. If the province moved to five or six regions and left the remainder of the province to be policed by the RCMP this would be the ideal time for the RCMP to assess it comprehensive coverage of the territory. Freed from having to organize around the pockets of small municipalities with their own police services, the RCMP could undertake a major rationalization of police services in the parts of the province outside the five or six authorized regional police operations. Properly managed this would have a great potential for producing economies of scale and improvements in service delivery to the public.

RECOMMENDATIONS:

Planning For Future Police Services:

35. Possible regionalized police groupings would include the following:

FUNDY REGION -

Saint John, Rothesay Regional, Grand Bay and Mispec.

(About 240 regional police positions)

CODIAC REGION -

Moncton, Dieppe and Riverview

The Dieppe Division would have to be fully bilingual

(About 150 regional police positions)

YORK REGION -

Fredericton, New Maryland, Lincoln and Hanwell

(About 120 regional police positions)

CHALEUR REGION -

Bathurst, BNPP Regional, Robertville and the area between Nigadoo and Petit-Rocher and between Petit-Rocher and Pointe-Verte. A bilingual Division in the existing BNPP vicinity would be essential.

(About 45 regional police positions)

MIRAMICHI REGION -

Newcastle, Chatham, Douglastown, Loggieville, Nelson-Miramichi and nearby unincorporated territory (About 45 regional police positions)

MADAWASKA REGION -

Edmundston, Saint-Basile, Rivière-Verte, Verret, Saint-Jacques, St.-Hilaire (About 40 regional police positions)

ACADIAN REGION -

Caraquet, Tracadie, Lamèque, Shippagan and some territory around Caraquet and Tracadie (About 45 regional police positions)

36. The realistic choice is either five regions: Fundy, Codiac, York, Chaleur and Madawaska, or six regions: Fundy, Codiac, York, Chaleur, Madawaska and Miramichi depending upon federal, provincial and municipal willingness to contemplate the RCMP policing the Miramichi. The Acadian Region is the least viable of the seven possibilities. The highway patrol function within the new regions would be the responsibility of the regional police service.

37. If the decision is made to proceed with five regions, regionalization should be undertaken in the following order: Madawaska, York, Fundy, Chaleur and Codiac.

38. If the decision is made to proceed to six regions, regionalization should be undertaken in the following order: Miramichi, Madawaska, York, Fundy, Chaleur and Codiac.

39. RCMP municipal and regional contractual arrangements should be renegotiated to take account of the new regional arrangements. In particular, there should be one contract for RCMP policing in New Brunswick to cover the areas outside the newly formed regions for both general policing and highway patrol functions and a comprehensive plan for RCMP policing should be undertaken.

40. Personnel interchange between existing municipal-regional and proposed regional arrangements should be assisted by employee assistance programmes, natural attrition prior to the implementation stage and reasonable severance packages as appropriate.

ESSENTIAL BUILDING BLOCKS IN THE PROVISION OF POLICE SERVICES

PERSONNEL

As salary and benefit costs eat up almost all of police budgets, the quality of the personnel has to be where major emphasis is placed in deciding whether one is obtaining value for money in policing. Some of the issues that this raises are education and training levels, promotion policies and the health and fitness of police personnel. One major difference between RCMP and municipal-regional police in New Brunswick is that the RCMP are hired before and paid during training at Regina whereas prospective municipal-regional recruits attend Atlantic Police Academy in Prince Edward Island, prior to being hired. This has lately resulted in a large number of people, trained at APA, who are not employed in policing or are only employed part-time in policing. The suggestion has been made to me that resources were used to train people for jobs that did not exist.

It also appears to be a perception of many of the police that I spoke to that the training available at APA is not as rigorous as that provided at the RCMP basic training course in Regina or at the British Columbia Justice Institute or the Ontario Police College. In particular, the quality of the staff is mentioned as an area needing attention. Even if the reality be otherwise, this perception shows that APA has, at least, an image problem even among municipal-regional policemen, quite apart from RCMP views. All, however, agree that APA training is far superior to what was formerly available before APA came into existence. This study did not evaluate APA and I offer no opinion on the quality or resources available there but other issues that did arise in the study may point out topics to which APA might consider giving extra attention.

Two crucial areas that require attention both at the recruit and at the in-service training level are (a) how to conduct an investigation whereby the results will be admissible in evidence under the **Canadian Charter of Rights and Freedoms** and (b) human relations.

Earlier I noted the quiet revolution that has occurred in Canada since 1982 whereby the relevance of evidence as the key issue has been added to by the additional and crucial requirement that the evidence must also be obtained in compliance with what the courts are increasingly detailing as the suspect's or accused person's legal rights under Section 7 to 14 of the **Constitution Act** 1982. This means that every police officer with more than 10 years of service was trained in a system that has become entirely outdated. Hence the irony if, in fact, APA was churning out new recruits to face unemployment when already-serving police officers were badly in need of up-dating on all of this new procedural and evidential law that now surrounds how they do an important part of their work.

Dealing with people at times in their life when they are under major stress, both mental and physical, makes the police job a difficult one to do well at any time and an impossible one to do perfectly all of the time. This underlines the need for constant human relations training for police-work. It is of interest to note that the public survey, undertaken as part of this study, while very supportive of police in general, indicated that the "attitude" of the officer was the most common cause for complaint on those occasions when a member of the public was less than satisfied with a police response. Thus, although issues like the **Charter of Rights** will require more technical training to keep the police abreast of a dynamic explosion in relevant law, nothing can replace the need for police to deal with people in a humane and decent manner. Further, because people are advised to call the police when in trouble, the police need someone to go to when they are in trouble. Employee-assistance programmes, in addition to stress-training and advice on healthy life-style and appropriate coping-mechanisms have to be built into the personnel policy of each police service in the province.

I must not be taken as saying that APA is doing nothing, or not enough, in those areas - only that, no matter what is being done, these are areas that the study identifies as key ongoing areas of need in police training. Other police in other provinces face similar challenges and these are not issues peculiar to the New Brunswick or Atlantic Region situation.

Everyone recognizes that, no matter how good a training programme is, there are limitations to training that can only be overcome by effective field-supervision in actually putting into practice what has been learned in the classroom. This is especially true of training in the field of identification, in particular the ability to identify fingerprints, and this limitation has a special relevance for small police services. The smallest of them have no such capability, but even larger police operations can have many built-in limitations to what they can achieve in this field. The basic training course in "Identification" is only the beginning. To be effective it has to be followed immediately by a further year of understudy work, supervised by a competent mentor. This should involve working on three completed cases and being able to find four out of six unidentified fingerprints within 3 hours. A false identification should prevent continued employment in this work. There should also be training in the giving of expert testimony with mock trial exposure prior to giving evidence in a real case. Under present arrangements, most municipal identification sections are without personnel who are case-hardened by making regular appearances in court as expert witnesses.

This raises the question of whether it is cost-effective to be buying equipment for identification services in small municipal or regional police services. Either the policing unit has to be large enough to purchase the equipment and generate the workload to permit this activity to be done in a fashion that will ensure high-quality results or identification services have to become regionalized even if police regionalization is rejected as an option.

There is currently no requirement for any training between constable and Chief of Police. Constables are required to be graduates of APA or the equivalent and Chiefs of Police must have attended the Senior Police Administration Course at the Canadian Police College. This is an area that cries out for some regulation under the **Police Act**. For a police service to qualify for the proposed conditional grant portion of funding it should have to comply with provincial minimum standards of attendance of personnel at in-service courses and a requirement that the course standards have been met there by appropriate numbers of personnel. Consultations with interested parties would identify the courses and numbers that would satisfy this standard before the regulations were put in place. Formal educational requirements for future supervisory and senior ranks, quite apart from technical police training, is also something that ought to be the subject of minimum standards to qualify for future provincial support. Reasonable time-frames would be discussed before standards were enforced.

Another issue that requires to be tackled is the state of health and fitness of police. Even a casual observer can notice that there are several problems with very overweight police in a job where the safety of a colleague or a citizen may depend upon police possessing some degree of physical fitness. One small town Chief of Police told me that so many of his personnel have health problems that only by drawing on five part-time police officers is it possible to police the municipality. In another municipality fully 15% of the police personnel are off sick or on light duties at any one time. The solution to this is not easy to prescribe but that is not a reason for ignoring it. Is it beyond the bargaining power of police employers to obtain in a collective agreement some provision dealing with health, reasonable height-weight relationships and medical check-ups when circumstances appear to indicate that a police officer may not be fit to carry out the duties upon which he or she is engaged?

Two other personnel initiatives that would have a positive effect on policing in New Brunswick would be the encouragement of lateral movement between police services to provide talent exchange and improve career paths and a system of exchange programmes between police services to improve mutual understanding and cooperation. Thus, if the province were to move to five or six regions and the RCMP, there would be considerable scope for municipal-regional movement at the setting-up stage and this should be encouraged later as a means of re-thinking responses to the policing of particular areas. Further, interchanges between RCMP and the new regional police services could further consolidate policing effort on a province-wide basis.

RECOMMENDATIONS:

Personnel:

41. Recruit and in-service training must concentrate on how to conduct an investigation in compliance with the case-law requirements of the Canadian Charter of Rights and Freedoms to ensure that, where possible, all relevant evidence collected by police will be admissible as evidence in the courts.

42. Emphasis on human relations training and practice must be a priority under the new policing approach.

43. Fitness and health must be a factor in continued employment as an active police officer under the new policing arrangements.

44. Lateral movement between regional police services should be encouraged, particularly on promotions.

45. Exchanges of personnel for limited assignments between the RCMP and regional police services should be encouraged.

BUILDINGS AND EQUIPMENT

There are some terribly inadequate police buildings in New Brunswick including Saint John, Bathurst, Tracadie, Grand Falls, Edmundston, and Nackawic. It is also true to say that holding cells in some police premises are inadequate and call out for minimum standards to be set. In one small municipal police service, the breathalyser is in the main office and the only way to give an accused privacy to call a lawyer is for the police to go out into the street leaving the detainee alone in a room that also contains the police computer. In addition the building is said to fail to comply with Department of Health & Community Services requirements by having no second exit. Another municipal police service has no proper garage or exhibit room and a full inventory of the present state of police buildings in the province would indicate many instances of related inadequacies.

Once a decision is made about how the province is to be policed, some key decisions have to be made about police facilities. It would not be a good idea to make premature decisions on buildings only to find that new or different policing arrangements are to be made which would render the expenditures wasteful because the building was no longer to play a role in policing or was too large or too small for the reorganized needs of the region.

On equipment, the biggest illogicality in New Brunswick policing lies in the fact that in a small province, three different computerized reporting systems exist, each independent of the other and unable to be interfaced. The RCMP and Moncton use a system called PIRS, Saint John uses a system named CHIEFS and many of the rest of the municipal police use a system called PORS. Some small police services have none of them. It is difficult to justify this or the expenditures that were made in the (frustrated) hope that some standardization would, in practice, result. The province spent money from the Municipal Police Assistance Fund to achieve a standard that it had no statutory basis to enforce. Under new proposals, it would be easier for the province to play a role in coordinating a more rational approach by use of conditional grant funding to allow it to achieve more coordinated results. It must be possible to arrange policing in a more cooperative manner than the present arrangements are able to do. Some police services are not even hooked up to the Canadian Police Information Centre because they are too small and do not generate enough work to make it a financially sensible thing to do. Again, under new proposals, each regional police service would be of a size that would ensure that each had the basic equipment that it needs to do the job properly. This will also be a factor in keeping up with technological advances in investigative procedures. For example, Halton Regional Police in Ontario has fully operationalized the audio-visual taping of police questioning of suspects and accused persons and the **Criminal Code** permits the audio-visual taping of the testimony of certain children and young persons, who have been the victims of sexual assaults, and allows them to adopt this evidence as part of their testimony in court. These advantages should not be denied to citizens on the basis of the inadequate police organization in the jurisdiction in which they live.

Another issue that could be dealt with in a more rational way, should the province move to a five or six region system and a coordinated RCMP single contract for the rest of the province, would be the question of police communications needs. At present, there can be breakdowns in communications even between Fredericton and "J" Division, RCMP Headquarters, let alone smaller police services, as there is only a land-line contact between the two communications centres.

Standardization of police cars and uniforms should be set provincially so that central purchasing economies can be obtained. Each region and the RCMP would have their identifiable logo on their cars but it should not be necessary for every service to have every vehicle painted a different colour. As vehicles were phased out it would become very economical to replace them with standard formats which would help with public identification.

Clearly it would be easier to rationalize building, equipment, computer and communication needs with five or six regions and the RCMP providing the service rather than with twenty-five municipal and regional police services and the RCMP. The public would receive a better service without the duplications and anomalies that presently exist in the system. It should be noted that both the NBPA and the Fredericton Police

Association support the creation of more regional police services although both wish to see this result in more policing positions for their respective members. As has been shown above, it will depend upon the options chosen in the province whether regionalization will result in more or less regional or RCMP policing positions respectively. Clearly, the more likely options will involve a healthy number of both regional and RCMP positions remaining in New Brunswick and this balance will be an important contribution to stable policing arrangements under foreseeable circumstances.

RECOMMENDATIONS:

Buildings and equipment:

46. There are several inadequate police buildings in the province and the question of police accommodation must be revisited as a matter of urgency when decisions on regionalization are made.

47. A uniform approach to computerized reporting systems should be taken in all of the new regional police services.

48. A rational communications system integrating the RCMP and the regional police services must be developed.

49. Standardization of uniforms and vehicles but retaining distinctive badges and logos should take place under regionalization.

FINANCE

In 1990, it cost Canada, New Brunswick and the municipalities over $100 Million to police New Brunswick from buildings of assessed value of about $40 Million. Assessed value invariably undervalues special purpose buildings which, with their unusual needs, always cost more to build than shows up on an assessment. Public policing is, therefore, a big business and it is important that every effort be made to ensure that the public is receiving good value for these large expenditures or to see if there are ways in which the same or an improved service could be provided more economically. Because of the important role played by the RCMP in the province, the cost to the province and the municipalities was not $100 Million but just under $80 million. In other words about $20 million was spent by the federal government either in providing federal law enforcement capability, such as in the drugs area, or in federal contributions to the provincial and municipal RCMP policing contracts. In short, 20% of the total policing costs for the whole province came directly from Canada in police-related benefits quite separate from any other federal-provincial transfer payments of a more general nature under fiscal-federalism arrangements.

One result of this is that, although the RCMP is a full-service (and therefore relatively expensive) police service, it is still economically wise to consider that policing option since effectively only a portion of that cost is passed on to the purchaser of the service. Thus New Brunswick and other provinces who contract for RCMP provincial and municipal services obtain a benefit over Ontario and Quebec, both of whom have their own provincial police services and neither of whom have RCMP municipal contracts. These provinces receive no equivalent "contribution" from Ottawa. These economic facts have to be borne in mind when considering how policing should be organized in the province.

This is not an easy idea to grasp and it may be worth trying to explain it in another way. When the RCMP are hired to do provincial or municipal policing, the assumption is made that part of their time will be engaged in federal law enforcement for which the province or municipality is not liable and, as a balancing item, the cost to a province or municipality is reduced by a percentage which is negotiated when the contract is entered into. When a municipal or regional police service is providing the police service, however, even though a proportion of its time may well be spent in federal law enforcement outside the **Criminal Code**, no equivalent payment is made by Ottawa to the municipality or region. Ottawa will rebate on charges it makes for services it provides but not pay compensation for work done by others in its field of jurisdiction. Some account of this anomaly may be taken care of by other more general federal-provincial transfer payments but since these receipts do not go directly to the municipality or region to recompense it for the policing provided, the general argument still prevails at the local level.

There are several different ways of looking at this situation depending upon one's perspective. One way is to say that, as a tax-payer, if the federal government will rebate for service provided but not directly compensate for service rendered, then it makes more sense to seek federal police services rather than to provide provincial or municipal ones. Another view is that, in the competition to provide police service municipal and regional police services are not on a level playing field with the RCMP in that the latter will be, in effect, subsidized by the federal government. This was an important issue in the controversy over whether the New Brunswick Highway Patrol or the RCMP should provide the highway patrol function in New Brunswick. Although RCMP costs were, in absolute terms, higher than NBHP costs, the actual price paid by the province was lower once the 30% federal "contribution" was factored in.

Of course, there is no guarantee that the federal government will continue such practices **ad infinitum**, but the newly negotiated arrangements for the next twenty years between Canada and the provinces and municipalities remain very favourable to RCMP service-purchasers and continue to provide for generous federal "contributions" albeit that aspects of the cost-base are to be revisited at five-yearly intervals during the life of the new contracts. No small province, and perhaps no large one, can really afford to ignore this benefit for the time being.

If one ignores this federal "contribution" for municipal and provincial policing as well as expenditures for federal and protective policing, one is able to make some limited comparisons on **costs to the province and municipalities** of policing different areas of New Brunswick. (These are set out in detail in Appendix "C"). Let us take, as examples, the spread in costs expressed **per capita** or as a percentage of total municipal expenditures for the year, and compare the highest and lowest municipal/regional location and the highest and lowest RCMP location. The highest municipal cost is in Saint John where, in actual 1990 expenditures, each citizen paid $180 on a **per capita** basis. The highest cost as a percentage of all municipal expenditures is in Blackville where 36.69% of the budget was spent on policing. The highest RCMP cost **per capita** is in Campbellton at $141 and the highest RCMP cost as a percentage of municipal expenditures is in McAdam where 24.94% of the budget went to policing. At the low end of the scale, the lowest municipal **per capita** cost is in Grand Bay at $57 and the lowest cost as a percentage of municipal budget expenditures is in Dalhousie at 13.70%. The lowest RCMP **per capita** cost is in Hampton at $56 and the lowest percentage in St. Andrews where 11.82% of the municipal budget was spent on policing.

It is of interest to note that, although these data quote only the highest and lowest figures in two categories, and many other comparisons can and should be made, in each case the RCMP figures compare favourably with the municipal police numbers i.e. their most expensive examples are less costly than the most expensive municipal examples and their least expensive examples are even less expensive than the municipal cases. The full details of these relative costs are attached as Appendix "C" and can be more exhaustively compared by all concerned. One thing is clear, they most certainly do **not** show that the RCMP is much more costly to a municipality or to the province than a municipal/regional policing arrangement would be as has been suggested by the New Brunswick Police Association. As long as the costs to the province and municipalities are reduced by the federal "contribution" there is no doubt that RCMP policing is a "good-buy" on a dollar-for-dollar basis.

Let us compare, for example, Bathurst with Riverview. Bathurst, a municipal police service, polices 14,800 people by spending 17.2% of its municipal budget on 31 police at a cost of $150 **per capita** while Riverview, with an RCMP direct municipal contract arrangement, polices 16,600 citizens by spending 16.75% of its municipal budget on 16 RCMP members at a cost of $87 **per capita**. Now Riverview and Bathurst are very different locations and it is not possible to isolate cost from all other factors, but again, it is really difficult to find hard evidence to justify some of the more grandiose claims on the question of relative police-costs that appear in the New Brunswick Police Association document **Policing New Brunswick into the 21st Century** which was submitted to me and released to the media pending the publication of this study.

This applies not only to the cost factors but also to the arguments on quality of service where relevant factors are not always considered in making comparisons in the NBPA document e.g. RCMP use the Operational Statistics Reporting System (OSR) for gathering statistics while municipal forces make use of the Uniform Crime Reporting System (UCR); use of crimes per 100,000 population figures for very small communities distorts the reality. For example p. 57 of the NBPA study refers to a violent crime rate in Blacks Harbour of 417 and 500 in St. Andrews. While this is true, as a **rate** per 100,000 population, it tends to obscure the fact that one is dealing here with 5 and 9 offences respectively. Further, the two communities are not at all comparable since St. Andrews is the centre for a regional Community College with a yearly student influx which generates workloads not experienced at Blacks Harbour. Rather than proceed on a case-by-case basis throughout the submission, it is better to permit all of these documents to enter public domain where their merits and demerits can form part of the consultation and planning process which must precede the making of any structural changes to how policing is done in the province.

I do not mean by this that all such comparisons will always be favourable to the RCMP. In the Bathurst-Riverview comparison discussed earlier, it can be said that Bathurst is a more difficult community to police than is Riverview. Similarly, if one takes a more difficult policing situation where the RCMP does the policing and a less challenging community under the supervision of a regional or municipal service, it can be shown that the latter appears to be more cost-effective. Thus, BNPP Regional Police, polices 8,800 people with 14 police at a **per capita** cost of $95, while Campbellton RCMP polices the same size of population using 18 police at a **per capita** cost of $141. Even in this example, however, although the RCMP **per capita** cost is higher, it is still policing a "tougher" town to police for a smaller percentage of the overall municipal expenditures than the BNPP Regional police service is able to do. Again, there are equivocal issues in all of these comparisons and it is not suggested that any one example can prove a whole thesis.

Taking a broad look at costs, it can be said that the 25 municipal and regional police services spent 16.71% of the available municipal budget to police 321,200 citizens at a per capita cost of $139; 12 RCMP direct-contract municipal police services spent 16.28% of the available municipal budget policing 57,400 citizens at a per capita cost of $92; and the RCMP provincial contract delivered policing services to 336,100 citizens at a per capita cost of $87, including the highway patrol function. Even when the federal "contribution" is included, the RCMP direct contract and provincial contract figures only rise to a per capita level of $119 and $123 respectively - still under the municipal-regional figure (all figures in 1990 dollars). Even this does not include the full cost to the RCMP of providing these services to New Brunswick since not every cost to the RCMP is reflected in the basket of costs used to determine the price for RCMP services to be charged to municipalities and provinces. This is another aspect of the subsidization of RCMP costs to municipalities and provinces. If it is a contribution, in part, to national unity then the citizens of New Brunswick are, for the present, the beneficiaries. While it is true that, on this basis, regional and municipal police services do not compete on a level playing field with RCMP municipal and provincial police services, the price to the New Brunswick taxpayer for these RCMP services is a doubly advantageous one; first there is the federal "contribution" and secondly it is applied to a total which does not reflect all of the federal costs in supplying the service (actual police expenditures for 1990, including the federal contribution, are set out in detail in Appendix "D").

Opinions can differ on what is a "more difficult" town or area of the province to police, but the case cannot be made out, as the NBPA has suggested, that the province would save millions of dollars by reducing reliance on the RCMP. It would, on the contrary, be easier to show that it would cost millions of dollars more for the province to "give up" the current contractual arrangements whereby an expensive, well-trained and professionally-managed police product is made available at a much less-than-cost price to the municipal and provincial users.

If the question of what it costs to provide policing services can be controversial this is as nothing to the disputation that can and will arise over how they are to be paid for. As I have tried to make clear in this study, policing as a service industry has its scope identified by the definition of its tasks. The danger here is that there can be demands for service of an ideal nature with much less than ideal resources available to pay for them. Present methods of paying for police services in New Brunswick encourage this dichotomy between the task and its payment because many citizens pay nothing directly for policing and others pay arbitrary amounts that have little relationship to the relative costs of the services provided. Some relationship between demand for service and its payment can be attained by ensuring that all households and businesses pay something directly towards part of the costs of policing.

The system of unconditional grants actually exacerbates this problem by permitting some municipalities to pay more for policing than could ever be justified on any rational basis of policing needs in the community and to maintain in existence police services that do not contribute to a coordinated system for effectively policing the province as a whole. When this happens, the province is subsidizing wasteful police expenditures through the unconditional grant system.

In my view, it is time for the province to re-examine the unconditional grant system, certainly as it applies to policing expenditures, and to introduce a conditional grant scheme for authorized police services. The Solicitor General would certify authorized police services under the criteria of the capability factors to be set out in the new **Police Act**. The amount of the conditional grant would be negotiated between the municipalities and the Departments of Solicitor General, Municipalities, Culture & Housing and Finance. Just as it is impossible to come up with a standard formula to fit all cost-sharing arrangements for regional policing arrangements (as was found in the Miramichi Regional Police Study) it is equally impossible to anticipate all of the nuances which will apply to reorganizing payment for policing services between the province and the municipalities. One thing is clear to me, the existing unconditional grant system is not a sensible way for the province to continue to spend money in so far as part of it is used to provide police services.

RECOMMENDATIONS:

Finance:

50. Payment for police services should be more directly related to costs and all households and businesses should contribute directly to part of the costs of policing.

51. Future police costs for authorized police services should be paid for through a combination of local taxes, conditional grant for authorized police services and unconditional grant moneys. Whether a police service is authorized to receive conditional grant money should be decided by the Solicitor General on assessment of that police service's compliance with the capability-factors to be identified in the new Police Act set out above. The amount of the conditional grant in each year for each authorized service would be a matter for negotiation between municipalities and the Departments of the Solicitor General, Municipalities, Culture & Housing and Finance.

CONCLUSION

Realistically, it would appear that the future should continue to see a mix of RCMP and regional policing services in New Brunswick. The major questions will arise over how these regional groupings should be made and how many of them are viable in a province with a population of 717,800. That there should be at least three regions, Fundy, Codiac and York, is to me clear. Regional policing at Madawaska and Chaleur can be justified but is less clear. With Miramichi and Acadia the proposals for regional policing, while possible, become more problematic but could probably be effected in Miramichi more effectively than in Acadia.

The process of consultation between the province and the municipalities involved, and between the province and Canada, where any new RCMP arrangements would require amendments to contractual relations, will be the means by which the selection of the appropriate options are made in New Brunswick. In my view the future will require fewer, better coordinated police services which would be more able to deal with the increased violence, drugs and arson offences that the background studies indicate are calling out for new policing initiatives in New Brunswick. Nothing, however, is likely to result unless the way in which policing is paid for in New Brunswick is revisited and changed.

The world, the country and the province are all changing. The choices made will decide whether New Brunswick will have efficient and effective policing in the century that lies ahead.

BACKGROUND STUDIES

The following background studies must be viewed as an integral part of the New Brunswick Policing Study:

1. Policing Arrangements in New Brunswick with Particular Reference to the Highway Patrol Function (1988)
2. Policing Study: Municipal Policing Component (1991)
3. Policing Study: RCMP Component (1991)
4. Policing Study: Quantitative Needs Analysis (1991)
5. Miramichi Regional Police Study (1991)
6. The Legal Status of the Police (1991)
7. Public Attitude Survey: Crime, Safety and Policing Services in New Brunswick (1991)

Although it is not the purpose of this report to repeat the details of these studies, it is important that this document contain a synopsis of some of the key information contained in them and, on occasion, my commentary thereon in order that the overall study may be understood in its fundamentals without the reader having to consult each and all of the above individual studies. All of these background papers will however be made available for consideration by interested parties. Sometimes the information in the background studies, though accurate when completed, has been changed by events covered in the body of the main report, e.g. court closures or suspension of operation of courts and the availability of more up-to-date statistics on police personnel numbers and actual police expenditures (as opposed to budgets) contained in Appendices "C" and "D".

1. Highlights of the Highway Patrol Report (1988)

The major focus of this report was to advise the Government of New Brunswick on whether the New Brunswick Highway Patrol (NBHP) should be retained as part of the then cooperative model of policing using both NBHP and RCMP or whether the RCMP provincial contract should be extended to cover the highway patrol function as it had done prior to the formation of the NBHP. In addition, the report addressed, but did not finally conclude, the broader question of the viability of general public policing arrangements in the province.

On the issue of the highway patrol function, the report concluded that, provided that a cost-sharing formula of "70% provincial - 30% federal" could be negotiated with Canada, New Brunswick would find it more cost-effective to have the RCMP provide highway patrol services as part of the provincial contract. Indeed, it was found that the federal contribution could drop considerably below 30% before the NBHP would have become a financially sound option, even if the service component were to equal that of the RCMP. Such equality of service was thought to be unlikely, first, because of the lack of infrastructure-spending which had characterized the provincial approach to the NBHP and secondly, because of the liaison problems caused by the arbitrary division of the policing function between highway duties and general police activities in separate police organizations covering the same geographic area.

Acting on the above advice, the government of the day successfully renegotiated an RCMP contract to cover once more the highway patrol function at a cost-sharing formula advantageous to the province (70% - 30%) and the NBHP was disbanded in February 1989. This step was recommended in the report as one of the short-term strategies for policing arrangements in New Brunswick.

The report also contained a long-term-strategy recommendation to carry out a careful analysis of the structure of policing in the province and the functions which that structure was intended to perform. It was further suggested that consultations would then be necessary with municipal governments on alternatives to what were described as the outdated policing arrangements then in place in New Brunswick. It is in answer to that long-term strategy that the following studies were completed and it is upon them, and other documents created for or submitted to the New Brunswick Policing Study, that this overall report has been based.

2. Policing Study: Municipal Policing Component (1991)

Since 1785, when New Brunswick became a province in its own right distinct from Nova Scotia, the history of municipal policing has [illegible]wn a trend from totally local control to increasing, though by no means predominant, provincial involvement. Indeed policing within municipalities, unlike other components in the administration of justice, escaped the centralizing results of the recommendations of the "Byrne Commission" in 1963 whereby most other justice-type functions were swept into the ambit of the Department of the Attorney General. Thus, prior to the enactment of New Brunswick's first **Police Act** in 1977, the **Municipalities Act** was the sole provincial legislation making reference to policing and it, not surprisingly, made every municipality responsible for providing police services within its boundaries. The **Police Act** continued this basic approach but provided for alternatives to the establishment of a municipal police force as the means of discharging this obligation. These continue to include, subject to certain approvals, policing by the RCMP either under a municipal or the provincial contract, policing by a neighbouring municipal police service or by several municipalities forming a regional police service. Since 1987, the Solicitor General has been responsible for policing, corrections and the sheriff-coroner functions. The **Police Act** now makes it clear that the Solicitor General is obliged, among other things, to promote the efficiency of police services and the development of effective policing and to coordinate the work and efforts of the RCMP and other police services in the province. The implementation of policing provision in municipalities, however, rests with local government. There is therefore a partnership of provincial and municipal responsibilities in policing.

At present, in New Brunswick, the municipalities are policed as follows:

23 have established their own police service;
12 have municipal contracts with the RCMP;
68 are policed under the RCMP provincial contract;
1 is receiving RCMP Emergency Policing;
3 are policed under contract by a municipal police service, and
2 regional police services have been formed to police groups of four (BNPP) and six (Rothesay) municipalities.

Municipal and regional policing arrangements under these categories will now be outlined and RCMP municipal and provincial policing will be dealt with later in the summary of the RCMP component of the policing study.

The 23 municipal police services: Based on the police budget, the size of the police service, the community population and the property tax base, all municipal police in New Brunswick have been placed in one of four categories. These categories have been created to decide when the municipality should be on a full-cost recovery basis or an additional-cost recovery basis when it is necessary for the RCMP to provide assistance to the municipal police service in discharging its policing functions. If it is reasonable to expect a municipal police service to provide the policing function, then RCMP assistance will only be forthcoming if the municipality pays the full cost, i.e. the per-hour or per-diem cost of the police officer, overtime, travel, accommodations and meals. If, based on police establishment, budget and community size, it would be unreasonable to expect a municipal police service to provide the particular policing function, then RCMP assistance will be forthcoming on an additional-cost basis, i.e. the municipality does not pay the salary costs of the police involved but does pay all of the other charges that go towards putting the police into the field.

This provides a useful categorization of municipal police services in New Brunswick as it indicates the current provincial view of the ability or otherwise of municipal police to provide a full police service.

CLASS 1	**CLASS 2**	**CLASS 3**	**CLASS 4**
Fredericton	Bathurst	BNPP	Blacks Harbour
Moncton	Edmundston	Chatham	Blackville
Saint John	Rothesay Reg.	Dalhousie	Caraquet
		Dieppe	Grand Bay
		Grand Falls	Hartland
		Newcastle	Nackawic
		Sackville	Shippagan
		Shediac	Saint-Basile
		St. Stephen	Tracadie
		Sussex	
		Woodstock	

Based on these classes, the RCMP services shown below are available on either a full or additional cost recovery basis, on the application of the Chief of Police and with the approval of the Director of Policing Services, Department of the Solicitor General, provided that the relevant costs are willing to be assumed by the requesting police service (and, hence, the municipality).

SERVICE	FULL COST	ADDITIONAL COST
Investigations	1 to 4	-
Commercial Crime Investigation	1* & 2	3 & 4
General Investigation Services	1 & 2*	3 & 4
Identification Services	1* & 2	3 & 4
Polygraph Services	1 & 2	3 & 4
Police Dog Service	1 & 2	3 & 4
Helicopter	-	1 to 4
Underwater Recovery	-	1 to 4
Emergency Response Team Service	-	1 to 4
Tactical Troop	-	1 to 4

* Only in exceptional circumstances would commercial crime investigation or identification services be provided to Fredericton, Moncton or Saint John, the Class 1 municipal police services, and only in exceptional circumstances would general investigation services for a major crime be provided to Bathurst and Edmundston, the Class 2 municipal police services. Apart from regular investigations, it is of interest to note that none of the Class 3 and 4 municipal police services (18 in number) are, according to these schedules, expected to be able to provide any of the other identified police functions to their communities.

Municipal police services are governed, to the extent of providing direction and policy within the budget established, by Council or, in the case of Saint John, by a Board of Police Commissioners. Council or the Board are responsible for appointing the Chief of Police, providing accommodation and equipment and appointing, or authorizing the Chief of Police to appoint, police officers. The Chief of Police is directly responsible to the Council or the Board, as the case may be.

The 3 municipalities policed by municipal contract: Rather than setting up its own municipal police department, a municipality may, with the consent of the Solicitor General, contract for policing services to be provided to it by a neighbouring municipal police service. Thus, Verret entered such an agreement with Edmundston, effective January 1, 1989, Sheila entered an agreement with Tracadie effective January 1, 1984 and Rivière-Verte has agreed to be policed by Saint-Basile since January 1, 1991. By these arrangements, once the type of policing and cost has been determined and agreed, the municipality receiving the service simply pays the price of this contract to the neighbouring municipality and is relieved of having to set up its own police service or receive service from the RCMP under the provincial policing contract. The advantage to the municipality providing the service is that, it can add personnel without increasing its administrative costs and achieve a better ratio of officers available for street duty to supervisory and administrative staff since small increases in front-line police will be able to be supervised and supported by existing infrastructure arrangements. One of the problems that emerges with this model of policing is that areas of "no-man's-land" can be created between the contractor and contractee municipalities which falls to be policed by the RCMP. This places the RCMP in a very awkward position from a practical policing point-of-view and can require police cars being driven through territory policed by another police service to reach small pockets of otherwise unserved citizens. In my view, this is a real drawback to advocating municipal police contracting as a viable alternative to regional policing where, by comparison, more comprehensive policing boundaries can be negotiated as part and parcel of setting up regional policing arrangements.

The 2 regional police services: On January 1, 1984, the municipalities of Quispamsis, Rothesay, East Riverside-Kinghurst, Fairvale, Gondola Point and Renforth established a Joint Board of Police Commissioners for the purpose of providing a single regional police service to all of these communities (Rothesay Region). Similarly, on September 1, 1985, service to all of these communities (Rothesay Region). Similarly, on September 1, 1985, the municipalities of Beresford, Nigadoo, Petit-Rocher and Pointe-Verte established a Joint Board of Police Commissioners to create a regional police service to cover those municipalities and two local service districts, Petit-Rocher Sud and Petit-Rocher Nord, lying outside the municipal boundaries (BNPP Region). The difference between these regional models and the municipal contracting model described above is that the constituent municipalities in regional policing are represented on the Board of Police Commissioners and play an active role in providing direction and policy to the regional police service. They appoint the Chief of Police, provide accommodation and equipment to the regional police and appoint, or authorize the Chief of Police to appoint, the police officers. The Chief of Police is responsible directly to the Board. In contrast, a municipality receiving policing on contract pays the agreed cost but does not otherwise direct the policing arrangements. Using the categories described above in the municipal police section, Rothesay Regional, like Bathurst and Edmundston, is a Class 2 police service for determining the level of costs involved should it have to utilize RCMP assistance and BNPP Regional is a Class 3 police service for these purposes. In practice this means that Rothesay would be expected to require assistance with a major crime only in exceptional circumstances and at full cost recovery whereas BNPP would only be charged additional cost recovery in such a case, or in the case of all other RCMP additional services such as identification or polygraph work. This is largely a result of Rothesay Regional having 21 police personnel at its disposal against 14 in BNPP i.e. the bigger the operation the more services it is able to provide.

By all of these means, a total of 665 municipal and regional officers provide policing services to 321,200 citizens with the support of 188 civilian employees and 62 auxiliary police.

Discussion of the service and cost implications of the different models of providing policing services in the province has already been summarized above in the section of this policing study report dealing with finances.

3. Policing Study: RCMP Component (1991)

The RCMP provides policing services in New Brunswick at three different levels; i.e. at the federal, provincial and municipal levels, from its "J" Division Headquarters in Fredericton which is under the command of a Chief Superintendent who reports to RCMP Headquarters in Ottawa. Internal management and the application of professional police procedures remain under the control of Canada although the Commanding Officer, "J" Division, acts under the direction of the provincial Solicitor General in respect of the provision of policing services in the province and is obliged to provide the Solicitor General with information in the possession of the RCMP concerning such services that affect the administration of justice in the province. Similarly, the RCMP detachment commander is required by the RCMP municipal contracts to consult with the chief executive of the municipality but not, of course, on day-to-day operational police decisions.

By federal law enforcement and prevention one means activities under statutes other than the **Criminal Code**, such as the **Narcotic Control Act**, the **Food and Drugs Act, the Bankruptcy Act,** the **Customs Act**, the **Excise Act,** the **Immigration Act** and the **Citizenship Act.** In addition, although most **Criminal Code** offences fall to be dealt with under the regular provincial and municipal police mandate, certain offences under the **Code** relating to corporate-commercial crimes are often dealt with by RCMP federal investigators because of the expertise they have built up in these and related areas across Canada and internationally. Sixty-four regular RCMP members are engaged in these and similar duties related to national security and criminal intelligence operations in New Brunswick. In addition, 10 regular RCMP members are engaged on protective services such as national airport policing and security services including explosives disposal and the protection of internationally protected persons and federal and provincial dignitaries and guests. All of these positions are funded by the federal government but the province derives certain benefits from their presence in addition to the above functions in that some of these members make up a portion of the Emergency Response Team, the Underwater Recovery Team and the Tactical Troops that are generally deployed in support of matters under provincial jurisdiction. It is important to note that federal policing is not the main focus of this study since New Brunswick has no jurisdiction over areas within the purview of the Solicitor General of Canada. The New Brunswick Policing Study is concentrated on provincial and municipal policing in the province.

At the provincial level, 399 regular RCMP members provide general policing of the unincorporated areas of New Brunswick and the 68, mainly small, municipalities with populations of 2,500 or less that are policed under the provincial RCMP contract. This includes the exceptional situation in New Maryland, with a population of 4,375, which is being policed under the provincial contract for one year following its incorporation on June 1, 1991. The RCMP achieves provincial policing coverage by operating 37 detachments controlled by 3 sub-divisions situated in Fredericton, Moncton and Bathurst. Since the disbandment of the New Brunswick Highway Patrol in February, 1989 highway patrol duties are again being carried out by the RCMP from among the 399 regular member complement which is felt by them to be 18 short of the number required to provide adequate service in the large geographic areas covered by the RCMP provincial contract. This request has not been met by the provincial government on the grounds of fiscal restraint.

Municipally, 12 communities in New Brunswick have direct contracts with the federal government for the provision of policing by the RCMP. They range from the largest, in Riverview, with a population of 16,600 policed by 16 RCMP regular members to the smallest, in McAdam, having 1,600 citizens policed by a 3-member detachment. The municipal detachment commander, who will be a Staff Sergeant, Sergeant or Corporal depending upon the size of the unit, will consult with the local Mayor and Council on the policing needs of the community and, in addition, arrangements for bi-monthly meetings with community policing committees may be arranged but there is no legal framework for the Council to provide policy guidance and direction to the RCMP in the manner, under the **Police Act,** that applies when a municipality has its own municipal police service.

When "J" Division administration and training positions are accounted for, it appears that a total of 590 regular RCMP members provide these federal, provincial and municipal police services in New Brunswick supported by 6 special constables, 43 civilian members and 110 public servants for a total of 749 full-time positions. In addition, an active programme of recruiting auxiliary police to assist the RCMP, has resulted in no less than 174 auxiliary police being available for special events, emergencies and other uses. The RCMP appears to have been much more successful than municipal-regional police in attracting and retaining auxiliary police assistance. The whole population of 717,800 is served by the federal policing arrangements, 336,100 are served by the provincial contracting arrangements, 57,400 by RCMP direct municipal contract policing, and 3,100 by RCMP Emergency Services (Shippagan).

4. Policing Study: Quantitative Needs Analysis (1991)

This component of the overall study focused on conducting a needs analysis of policing in New Brunswick. Through examinations of reported crime, police/citizen ratios and the general characteristics of the population, an understanding of future demands on policing services emerged. Changing population trends as well as changing demographic structures within that population can affect the incidence of criminal behaviour and the extent of criminal victimizations. Through the design of a long range plan and the allocation of the necessary resources to accommodate future demands for service, a model can be developed for the delivery of efficient and effective policing services to all citizens of New Brunswick.

This study drew upon census projections from Statistics Canada and the New Brunswick Statistics Agency and took account of birth rates, death rates and population migration factors. Information on crime rates was provided by the Canadian Centre for Justice Statistics, Law Enforcement Program through the Uniform Crime Reporting System. Data on police/citizen ratios were provided by the New Brunswick Department of the Solicitor General and the Department of Municipalities, Culture & Housing. Forecasts of criminal activity were conducted using straight-line statistical projections based on crime trends over a ten year period (1980-89 inclusive). Ten years was thought to be sufficient to even out year by year fluctuations. Although straight-line projections have their obvious to even out year by year fluctuations. Although straight-line projections have their obvious limitations, it is one way of depicting where we will be in 2001 if nothing changes. Of course different legislation, changed enforcement priorities and other organizational and societal developments will all conspire to ensure that the only accurate statement that can be made about straight-line projections is that reality will likely prove to be different. In the absence of a better and readily available alternative, however, the straight-line projection continues to be useful provided that we are suitably warned about these limitations.

The 1986 census indicated that one in seven citizens in New Brunswick lived below the national poverty level, ten percent (10%) of the population was on some form of social assistance and the average income was $14,873. Twenty-four percent (24%) of the population over 15 years of age had less than a grade nine education and seventeen percent (17%) of those registered in the labour force were unemployed. The 1990 labour force survey indicated that the unemployment rate for that year was twelve percent (12%). The population of New Brunswick was predominantly of English descent (63%) with the French ethnic group representing thirty-two percent (32%). The other five percent (5%) comprised four percent (4%) other ethnic groups and one percent (1%) First Nations members. These trends in the composition of the population were forecast to continue over the next ten years.

Turning to provincial crime analysis, the overall crime rates for Canada, Atlantic Canada and New Brunswick has increased over the last ten year period but the New Brunswick rate has been consistently less than the rates for Canada and Atlantic Canada. Even so, the New Brunswick rate of increase is greater than either that of Canada or Atlantic Canada. In short, New Brunswick is, relative to the rest of the country, subjected to less reported crime but is tending in the direction of "catch-up" with its neighbours. That said, in the year 2001 New Brunswick overall crime rates are still projected to be less than those prevailing in the Atlantic Region or Canada as a whole. This will be true both of crimes of violence and property offences.

One area in which New Brunswick stands out is arson (deliberate fire-setting) where its rate was higher than the rates in Canada and the Atlantic Region over the ten year period and is projected to remain higher in the year 2001. Another area of interest is drug offences, in that New Brunswick has had a higher rate than Atlantic Canada since 1983 and surpassed the all-Canada rate in the three-year period 1984-86. It is projected that the New Brunswick drug offence rate will be greater than both the national and regional rate in 2001. Unlike some crimes, most drug offences only become known to police when arrests are made, so that these rates may simply indicate relatively healthy enforcement activity by police in New Brunswick. Alternatively, if police action results in a fixed percentage of actual activity becoming known to police it could be argued that New Brunswick is, in fact, experiencing and likely will continue to experience a high rate of illegal drug activity and related police action relative to the rest of the country.

Police/citizen ratios in New Brunswick between 1980 and 1990 have tended in the direction of more police being employed relative to population size. Whether one looks at the province as a whole, at municipalities with their own police, at municipalities with RCMP contracts or at RCMP provincial policing, the trend is towards a richer provision of police to population. This can be shown as follows:

	1980	**1990**
Province overall	1/637	1/612
Own municipal police	1/502	1/485
RCMP direct municipal	1/732	1/727
RCMP provincial	1/892	1/785

As is general in policing, the highest concentration of police to population occurs in the largest municipalities and the least concentration is found in the smaller communities and unorganized territory. Bearing this in mind, it appears that the RCMP is policing its municipal contracts with remarkably few personnel and its provincial obligations with a very minimum of resources. These figures should be borne in mind when the areas of projected increased needs are identified next.

The quantitative needs study then looked at enforcement activity in the province. The only standardized boundaries for the operation of the criminal justice system were found to be the fourteen Provincial Court Regions. The provincial court boundaries were used for a comparative analysis of court-related law enforcement activity. Each municipal, regional and RCMP-municipal police service was isolated to determine their enforcement-workload, the remaining enforcement activities within the Provincial Court Region being the responsibility of the provincial establishment of the RCMP. The advantage of using court-related law enforcement activity is that vagaries of record keeping as between different police services are eliminated as a distorting factor.

Moncton: The Moncton Provincial Court Region covers the area of Westmorland and Albert counties, excluding Cap-Pelé and Alma, and serves a population of 120,900. Court sits in Moncton, Sackville having been recently closed causing problems for Sackville police in travelling to Moncton to give evidence. Policing services are provided by three municipal police services (Moncton, Dieppe, Sackville); one RCMP-municipal service (Riverview) and five RCMP-provincial detachments (Moncton, Sackville, Petitcodiac, Port Elgin and Hillsborough). The most significant area of increase, if trends of the last ten years continue, will be in the area of violent crime, where by the year 2001, there could be an increase of 67%. Most of the activity will be in Moncton, although violent crime in the area policed by the provincial RCMP is also projected to increase by 42% in that decade.

Richibucto: The Richibucto Provincial Court Region covers the geographic areas of Kent county, one half of Bottsford parish and the municipalities of Cap-Pelé and Shediac in Westmorland county. Courts are located in Bouctouche, Richibucto and Shediac serving a population of 48,500. Policing services are provided in this region by one municipal police service (Shediac); three RCMP-municipal services (Cap-Pelé, Richibucto, Bouctouche) and three RCMP-provincial detachments (Bouctouche, Shediac, Richibucto). The most significant area of increase, if trends for the last ten years continue, will be in the area of violent crime where, by 2001 there could be an increase of 57%. The majority of the law enforcement activity is likely to fall on the provincial establishment of the RCMP.

Newcastle: The Newcastle Provincial Court Region covers the catchment area of Northumberland county excluding Almwick parish and Neguac village and serves a population of 45,000. Courts sit in Newcastle, Chatham and Doaktown. Policing services are provided by three municipal police services (Chatham, Newcastle, Blackville); one RCMP-extended service agreement (Rogersville) and two RCMP-provincial detachments (Newcastle, Doaktown). The most significant area of increase, if trends for the last ten years continue, will be in the area of violent crime where there could be an increase of 87% by 2001. The majority of the law enforcement activity, if trends continue, will be completed by the provincial establishment of the RCMP.

Saint John: The Saint John Provincial Court Region includes Grand Bay, Westfield, the parishes of Greenwich, Kingston, and Westfield in Kings county and Saint John county excluding the parishes of St. Martins and Simonds. All courts sit in Saint John serving a population of 87,300. Policing services are provided by two municipal police services (Saint John, Grand Bay) and one RCMP-provincial detachment (Westfield). The most significant area of increase, if trends for the last ten years continue, will be in the area of violent crime, where there could be an increase of 125% by 2001. Most of this activity, if trends continue, will be completed by Saint John police.

Hampton: The Hampton Provincial Court Region covers the area of Brunswick parish in Queens county, St. Martins and Simonds Parishes in Saint John county, Alma Parish and village in Albert county and Kings county excluding Grand Bay, Greenwich, Kingston and Westfield. It serves a population of 54,700 and courts sit in Hampton and Sussex. Policing services are provided by one municipal police service (Sussex); one regional police service (Rothesay); one RCMP-municipal service (Hampton) and two RCMP-provincial detachments (Hampton, Sussex). The most significant area of increase, if trends for the last ten years continue, will be in the area of violent crime, where the rate could be 62% higher by 2001. Most of this enforcement activity, if trends continue, will fall upon the provincial establishment of the RCMP.

St. Stephen: The St. Stephen Provincial Court Region covers the catchment area of Charlotte county and serves a population of 26,600. Courts sit in St. Stephen, St. Andrews, St. George, Grand Manan and Campobello. Policing services are provided by two municipal police services (Blacks Harbour, St. Stephen); one RCMP-municipal service (St. Andrews); one RCMP-extended services agreement (St. George) and two RCMP-provincial detachments (St. Stephen, Grand Manan). The most significant area of increase, if trends for the last ten years continue, will be in the area of violent crime where the rate could increase by 70% by the year 2001. Most of the law enforcement activity, if trends continue, will fall to be dealt with by the provincial establishment of the RCMP.

Fredericton: The Fredericton Provincial Court Region covers the area of York county excluding Canterbury, Meductic, Millville, North Lake Parish and South Hampton Parish and serves a population of 74,400. Courts sit in Fredericton and McAdam. Policing services are provided by one municipal police service (Fredericton); one RCMP-municipal service (McAdam) and two RCMP-provincial detachments (Fredericton, McAdam). The most significant area of increase, if trends for the last ten years continue, will be in the area of violent crime, where the rate could be 75% higher by the year 2001. The majority of the law enforcement activity, if trends continue, will fall to the Fredericton police.

Oromocto: The Oromocto Provincial Court Region covers the catchment area of Sunbury and Queens counties excluding Brunswick and Johnson parishes and serves a population of 34,000. Courts sit in Oromocto and Minto. Policing services are provided by two RCMP-municipal services (Oromocto, Minto) and three RCMP-provincial detachments (Chipman, Minto, Gagetown). The most significant area of increase, if trends for the last ten years continue, will be in the area of violent crime, where there could be an increase of 93% by the year 2001. The majority of the law enforcement activity, if trends continue, will be investigated by the RCMP-municipal service at Oromocto and the provincial establishment of the RCMP.

Woodstock: The Woodstock Provincial Court Region covers the area of Carleton county and Canterbury, Meductic, Millville, Nackawic, North Lake parish, and Southhampton parish in York county. It serves a population of 30,800 and courts sit in Woodstock and Florenceville. Policing is provided by three municipal police services (Hartland, Woodstock, Nackawic) and two RCMP-provincial detachments (Woodstock, Florenceville). The most significant increase, if trends for the last ten years continue, will be in the area of violent crime, where the rate could increase by 42% by the year 2001. The majority of the law enforcement activity, if trends continue, will fall to the provincial establishment of the RCMP.

Grand Falls: The Grand Falls Provincial Court Region covers the catchment area of Victoria county and Saint-André parish in Madawaska county and serves a population of 24,100. Courts sit in Grand Falls, Perth-Andover and Plaster Rock). Policing is provided by one municipal police service (Grand Falls) and three RCMP-provincial detachments (Perth-Andover, Grand Falls, Plaster Rock). The most significant area of increase, if trends for the last ten years continue, will he in that of violent crime where the rate could increase by 66% by the year 2001. The majority of the law enforcement activity, if trends continue, will be completed by the provincial establishment of the RCMP.

Edmundston: The Edmundston Provincial Court Region covers the area of St. Quentin parish, Grimmer parish, and Kedgwick village in Restigouche county and all of Madawaska county except for Saint-André parish. Courts sit in Edmundston, St. Quentin and Saint-Léonard serving a population of 40,700. Policing of the region is provided by two municipal police services (Edmundston, Saint-Basile); one RCMP-municipal contract (St. Quentin) and three RCMP-provincial detachments (Edmundston, St. Quentin, Saint-Léonard). The most significant area of increase, if trends for the last ten years continue, will be in the area of violent crime, where the rate could increase by 72.5% by the year 2001. Most of the law enforcement activity will fall to Edmundston police and the provincial establishment of the RCMP.

Bathurst: The Bathurst Provincial Court Region covers the area of Gloucester county excluding half of Beresford parish. Courts sit in Bathurst and serve a population of 36,800. Policing is provided by means of one municipal police service (Bathurst); one regional police service (BNPP) and one RCMP-provincial detachment (Bathurst). The most significant area of increase, if trends for the last ten years continue, will be in the area of violent crime, where the rate could increase by 80% by the year 2001. Most of the law enforcement activity, if trends continue, will fall to the Bathurst police.

Campbellton: The Campbellton Provincial Court Region covers the catchment area of Restigouche county excluding Kedgwick, St. Quentin and Grimmer, and half of Beresford parish in Gloucester county. Courts sit in Campbellton and Dalhousie and serve a population of 33,900. Policing services are provided by one municipal police service (Dalhousie); one RCMP-municipal service (Campbellton) and two RCMP-provincial detachments (Campbellton, Jacquet River). The most significant area of increase, if trends for the last ten years continue, will be in the area of violent crime, where the rate could increase by 100% by the year 2001. The majority of the law enforcement activity, if trends continue, will fall to Campbellton RCMP and the provincial establishment of the RCMP.

Tracadie: The Tracadie Provincial Court Region covers the area of Alnwich parish and Neguac in Northumberland county and part of Gloucester county. Courts sit in Tracadie, Neguac, Shippagan and Caraquet and serve a population of 60,800. Policing is provided by two municipal police services (Caraquet, Tracadie); one RCMP-municipal service (Neguac); one RCMP emergency service contract (Shippagan) and four RCMP-provincial detachments (Caraquet, Tracadie, Neguac, Lamèque). The most significant area of increase, if trends for the last ten years continue, will be in violent crime, where the rate could increase by 63% by the year 2001. The majority of the law enforcement activity, if trends continue, will be completed by the provincial establishment of the RCMP.

This part of the study drew attention to the need, during the next decade, to ensure that the following factors are addressed as part of the strategy to ensure that the public is receiving maximum value for the money spent on policing:

(a) The projected increase in violent crime (73%) over ten years if trends continue

(b) The age group most associated with high rates of offending will continue to increase into the next century

(c) A growing segment of the population will be 65 years of age and older and fear of crime is greater amongst seniors than other age groups

(d) Police work-load increases in Saint John, Moncton, Fredericton, Edmundston, Bathurst, Campbellton and the RCMP provincial contract areas

(e) Emphasis on responding to violence against women and child abuse

(f) Impact of the **Canadian Charter of Rights and Freedoms** on police training, education, practice and procedures

(g) Pressure placed on police by actions elsewhere in the justice system (e.g. by court closures adding to police overtime for court attendance and prisoner-transfer activities)

5. Miramichi Regional Police Study (1991)

On March 14, 1990 Hon. Conrad Landry, then Solicitor General of New Brunswick, met with the elected representatives from Chatham, Newcastle, Douglastown, Loggieville and Nelson-Miramichi to discuss the possibility of establishing a regional police service in the Greater Miramichi Area. It was agreed that a study team from the Policing Services Division of the Department of the Solicitor General would report on the feasibility of establishing such a service. This study was completed in January 1991 and circulated to interested parties for comment, consultation and, provided agreement could be reached on all outstanding issues, possible implementation.

The existing arrangement of dividing policing responsibility within the Miramichi region was found to be unwieldy and uncoordinated. Three command structures at Newcastle, Chatham and RCMP-provincial and special-service-agreement detachments could not be justified and the lack of trained, specialized personnel in the two municipal police services was a further cause for concern. Difficulties in responding adequately to a major incident in the region was also an important factor in registering concern for the future and reinforcing recognition of the need for change.

The study proposed a regional police service to include Chatham, Newcastle, Douglastown, Loggieville and Nelson-Miramichi, three local service districts and four portions of local service districts in the Greater Miramichi Area. The towns of Newcastle and Chatham would cover 24 percent of the area but provide 61 percent of the population. The proposed region would have 252 km. of highway to be patrolled by the regional police service and although Newcastle and Chatham would require greater frequency of police intervention than the rest of the region, the mobility of the rural population, especially during evenings and weekends, within the Greater Miramichi Area would be such that a regional police service would be likely to provide a more coordinated and less administratively top-heavy response to citizens' needs. No standard formula for how the constituent municipalities and other districts would contribute to the cost was utilized or recommended.

Operationally the regionalized police service was found to require accommodation, a communications system and an establishment of 38 to 41 police personnel if the police/citizen ratio were to be in the range of 1/545 to 1/505. Important questions of the type and level of police presence required in the region would have to be decided before the staffing figures could be ascertained with more certainty. There was felt to be no proven formula to determine the optimum police/citizen ratio since local situations require solutions specific to their circumstances. More use of civilian support staff could also ensure that police positions were not used to perform duties for which expensive police training was not needed. For example, under existing arrangements, the ratio of civilian to police staff in Chatham was found to be 1/14, in Newcastle 1/9 and in the RCMP detachments to be 1/6. The study recommended a ratio of 1/4 for the proposed regional service.

Based on the 1990 budget, costs of the existing services were found to range from a high of $152 per capita in Newcastle to a low of $75 per capita for the RCMP but these costs were obtained with vastly different resources in that there was found to be a police/citizen ratio of 1/414 in Newcastle and 1/1025 in the RCMP territory. Thus, whilst the cost per officer of the RCMP was the highest at $76,500 against the lowest, in Chatham, at $57,200, the small numbers of RCMP officers doing the job makes them the cheapest on a per capita basis. In short, the richer the mix of police to citizen, led to a costlier police product. The Newcastle figure at 1/414 and the RCMP figure at 1/1025 compared to the then national average of 1/483 and the then New Brunswick average of 1/581. Certainly, on those figures, the existing RCMP coverage in the rural area surrounding Newcastle and Chatham was found to be frugal. This resulted from a provincial policy that any enrichment of RCMP personnel in one part of the province had to be found from existing RCMP personnel already within the province. To enrich the police complement in one part of the provincial-contract area would be to denude it in another.

In pricing the proposed regional police service in 1990 budget dollars, the study suggested a range of 38 to 41 police personnel at a per capita cost of $121 to $129 to produce a range of police/citizen ratios of 1/545 to 1/505. If the proposal were to be proceeded with, it would be for the regional representatives to chose how rich a mix of police to citizen they felt the community wanted or could afford.

The Miramichi Regional Police Study concluded that, given the extent of the deficiencies in quantity of service evident under the present arrangements, it was reasonable to consider moving to a regional police service within the complement and cost range set out above. The final cost was, of course, to be determined by the level of service agreed to by the parties to the regional policing agreement.

6. The Legal Status of the Police (1991)

This background paper provided an introduction to the complex historical, political and social issues that are raised by the concept of policing in a democracy. One of the distinguishing features between democracies and totalitarian states is often said to be the extent to which democratic public policy succeeds in exercising reasonable controls on the police function and how it is implemented while preserving for the police a sufficient degree of independence to permit them to be effective in enforcing the law fairly and without regard to such improper considerations as colour, class or creed.

The administration of justice in the province is a provincial responsibility under s.92 of the **Constitution Act 1867** and policing has always been held by the Supreme Court of Canada to be a part of this provincial area of legislative competence. The Province of New Brunswick has, under the **Police Act**, delegated this policing responsibility to municipalities but the province does not totally abdicate these duties and retains residual and overall constitutional authority in this field. Acting under this legislated delegation, municipalities have created a Board of Police Commissioners in Saint John, two regional Boards of Police Commissioners for the Rothesay and BNPP regions and elsewhere Councils are responsible for policing the relevant municipalities.

Police in New Brunswick are appointed not only as peace officers but also as constables. This is important because, although the term "peace officer" is defined in the **Criminal Code,** the powers, duties and obligations of a "constable" are much more general and are to be found in the judge-made (or common) law stretching over several centuries of Anglo-Canadian jurisprudence.

Three important issues arise in connection with police powers: independence, accountability and control. Difficulties can arise in seeking to balance independence (which is essential to avoid undue political interference) with democratic aspects of accountability and control (which place limits on unrestrained independence of the police). These limits are important because, while some police duties are easily defined, such as escorting prisoners or executing arrest warrants, others involve the exercise of a great deal of discretion on the part of a police officer (e.g. deciding whether there are reasonable grounds upon which to make an arrest or to lay an information before a court in order to commence proceedings be way of summons, warrant or other similar procedure). Because the various bases for the exercise of this type of police discretion are seldom if ever laid down in a statute, that which is or is not reasonable in a given set of circumstances may have to be found in the case-law or common law.

These issues lead to interesting differences of opinion about the nature of the relationship between constables and the Chief of Police and between the Council or Police Board and the Chief of Police. It is usually said that the Council or Police Board may provide policy and direction to Chief of Police but must not become involved in day-to-day police operational or investigative functions or in the decision whether or not to prosecute anyone. Further, members of Councils and Police Boards may only exercise such functions as they do, in law, possess as a Council or a Board, having no powers as individuals to provide policy or direction to the police service for which they are responsible. One Canadian jurisdiction has expressly enacted these limitations in provincial statute form (e.g. Ontario in its recent **Police Services Act 1990**) and a question arises whether New Brunswick should follow suit. Generally speaking, at common law, a constable exercises an original authority in these discretionary matters and answers to the law itself, by way of civil, criminal, disciplinary and complaint procedures, in justifying any actions that have been taken in the purported exercise of police duties.

The current New Brunswick solution in organizing policing responsibility at the provincial level is to have separated out policing from the administration of justice portfolio of the Attorney General and placed it under that of the Solicitor General. This has also been done federally and by some other provinces although recently there has been a move to return policing within the justice portfolio in British Columbia. It is too early to say whether this marks a new trend towards consolidation of policing and justice issues in Canada. Recently in New Brunswick, the Department of the Solicitor General has moved from a coordinating, cooperative and supervisory approach to policing towards a more directive stance with the possibility of the Solicitor General issuing guidelines and directives more effectively to monitor how municipal and regional police are functioning in the province. It is not clear yet if this will, in practice, effect a change in the current balancing act between provincial and municipal responsibilities for policing. Certainly s. 6 of the **Police Act** permits the Solicitor General to reassign the conduct of an investigation from one police service to another. To date, this has been done with the cooperation of the police services involved but, as a matter of law, such agreement is not required. Usually the power is used to ensure not only that justice is done but is also seen to be done e.g. when a police officer or councillor is being investigated and the case is referred to a neutral police service to inquire into and decide if there are reasonable grounds for referring the matter for prosecution.

Independently of the Department of the Solicitor General, the New Brunswick Police Commission is assigned the role of dealing with public complaints against the police and in assessing the adequacy of the policing provided in a particular community. Adequacy is not defined in the **Police Act** and it is doubtful whether a definition, if attempted, would help to decide the question in a concrete case since only an in-depth study of the policing needs of a community and the services actually being provided to it could succeed in deciding the question. Potentially the Commission is there to see that the Department of the Solicitor General and the municipalities are doing their respective jobs properly in seeing that effective and efficient police services are being provided to the citizens of the province. If the Commission were not to be in place there would be no body charged with this watchdog function. Under the present **Police Act**, the Commission has the power, on its own motion, to hold hearings on the adequacy of policing anywhere in the province. It does not have to wait for a direction from the Solicitor General to do so. This makes it clear that the Commission can play an oversight function in respect of whether the Department of the Solicitor General is discharging its duties properly. This said, however, it is true to say that the current role of the Commission is concentrated more on its duty to deal with public complaints against the police. It no longer plays a role as an appellate body in internal police discipline cases which are now referred to arbitration.

An important legal issue on the role of the police is that which deals with the general relationship of the police to the Attorney General as the Chief Law Officer of the Crown and whether special considerations arise where the office of the Solicitor General has been created. At the theoretical level this raises very difficult questions which are far from settled in other provinces in Canada on the relative roles of the Attorney General and the Solicitor General where both offices exist simultaneously. At the practical level, the issue usually arises on the relative roles of the police and Crown prosecutors in the laying and prosecuting of criminal charges. Two arguments were usually advanced to justify pre-charge intervention by Crown prosecutors. First, the Crown acts as a check upon potential abuses of process by a police officer who may, as a consequence of involvement in the investigation, be less than objective. Secondly, a system of prior review by the Crown may be fairer to the accused and more sensitive to the public interest in the efficiency of the administration of justice because it ensures eventual prosecution only in those cases in which there is a substantial likelihood of conviction. More recently, the advent of the **Charter of Rights** has increased the number of cases in which relevant evidence obtained by police may not be admissible in court because it was obtained in breach of a suspect's constitutional rights and a trained lawyer may be more likely than a police officer to understand court rulings on these issues. On the other hand, strong arguments exist against institution of a formal screening process. There is potential for abuse from the lack of publicity and hence accountability; usurpation of the judicial role may be occurring by such Crown intervention and any mandatory scheme to restrict police discretion in these matters may well be unconstitutional. At best, at present, the most that can be said is that the constitutional legality of instituting an obligatory screening process is an area of our law that remains unresolved.

7. Public Attitude Survey: Crime, Safety and Policing Services in New Brunswick (1991)

In this survey questions posed to all of the respondents would be more likely to be accurate of the attitude of the whole population than questions posed to residents of a particular region. Thus questions dealing with general province-wide policing issues would have a higher level of accuracy (within 3 or 4% of the response that would be obtained by asking everyone) than questions related to a particular regional issue (within 5 to 8%) nineteen times out of twenty.

Given these understandings, it appears from the survey that New Brunswickers have realistic perceptions about the rate and types of crimes that are being committed in the province. Crimes against property are seen as the primary problem and cause for concern and the majority perceive the police as doing an excellent or good job in attempting to prevent such crimes. Generally speaking, the people of the province feel safe and most have a reasonably low level of fear of becoming a victim of crime although women are more concerned than men in this respect, a finding that coincides with studies done in other parts of Canada.

Turning to police performance, New Brunswickers give the overall performance of the various police services in the province a 90% approval rating, a level of approval higher than is usually found elsewhere in Canada in surveys of this kind. Most people are confident that the police will respond within an adequate amount of time in an emergency even though people who have actually requested police assistance have a somewhat lower level of confidence in the adequacy of police response than those who have not. Of the people who had called police for assistance, most indicated satisfaction with the time it took to respond and with how police handled the call. These factors and acceptance that the police were "doing their job" were the primary motivators for people expressing satisfaction.

Citizens indicated that public input is important in planning changes to police services, but most of them had a difficult time in defining or describing police functions beyond "protection" and "responding to calls" or in identifying current activities that could be eliminated from the police role as unnecessary.

Although 54% of respondents indicated that there were too few police at present, only 37% concluded that police services were under-funded. Perhaps some of the public wants to have its cake and eat it at the same time or they feel that, in some manner not able to be identified by them, more efficient use of resources could provide more police services for the same dollar input. But when it comes to paying for future police services, half of the citizens felt that present police cost-levels are about right while just under half would be willing to see increased spending on the police. Thus, although other recent surveys have shown that 76% of New Brunswickers were in favour of decreased government spending, police services do not appear to be one of the areas on which they feel that spending should be reduced. When asked who should be responsible for paying for police services two-thirds of those questioned felt that the costs should be shared equally by the province and local communities, 26% that the province should be wholly responsible and only 8% that all of the costs should fall upon local residents directly.

On the issue of the method of delivery of police services, 76% of those policed by the RCMP would prefer to remain with RCMP policing, 61% of those policed by municipal police would prefer to continue to be so policed and 45% of those policed by the two small regional policing arrangements currently in place in the province would prefer to retain this form of police organization.

If the results of this particular survey accurately reflect the views of all of the citizens of New Brunswick then policy-makers are fortunate in that police planning for the future can proceed from a position of relative calm, with no apparent crises looming either in the public perception of policing needs or in the level of satisfaction with the type or cost of the police services required to address those needs. This is not to say that no improvements are necessary, of course, and some of the negative responses to these questionnaires by a small number of citizens can be ascertained by further study of the background document **Public Attitude Survey: Crime, Safety and Policing Services in New Brunswick.** Negative comments should receive appropriate attention by interested parties irrespective of the outcome of the recommendations made in this study and include "a bad attitude" being displayed by police (the most common negative comment). It is interesting to note that people will often accept when they are in the wrong if police treat them in a courteous and humane manner as fellow human beings but will harbour a sense of grievance if police are perceived not to be behaving in this fashion irrespective of the rights or wrongs of the encounter that brought them into contact. Good human relations training and practice continue to be as vital in police work as ever.

THE ADVISORY BOARD TO THE NEW BRUNSWICK POLICING STUDY

The Advisory Board was established by the Solicitor General to enable the Senior Consultant to have access to individuals with knowledge of and experience in policing in New Brunswick. It was intended that the Advisory Board would be able to provide continuing access to individuals who would be able to identify problems and possible solutions and to advise on such matters at the local, regional and provincial level. The membership of the Advisory Board is shown in Appendix "E". First Nations representatives chose not to respond to an invitation to be involved in the process.

The Advisory Board met on five occasions on June 27, September 12, October 2, November 7 and December 5, 1991 and reviewed drafts of all of the background documents referred to above except the **Public Attitude Survey** which was not completed until after the Advisory Board had completed its work. Detailed minutes of the discussions at the Advisory Board were prepared by the Senior Consultant, who acted as Chair of the meetings, and these were approved at the following meeting. In addition to questions and clarifications on the background documents, the following topics were raised or discussed by the Advisory Board:

Lack of personnel resources in RCMP-provincial contracting
Improving police-management practices in dealing with a collective bargaining regime
Budgetary difficulties for small municipalities in paying for RCMP charge-backs for services, thus inhibiting needed calls for assistance
Payment for RCMP provincial-contract services
Police computerized-reporting systems
Police training and the **Charter of Rights**
General principles of regional policing

The minutes of the meetings of the Advisory Board have been preserved in full and may be made available for consultation by interested parties.

It is important to note that this report contains only the views of the Senior Consultant and no member of the Advisory Board had access to it. This has been done to ensure that, when the consultation and planning phases take place, no one is perceived as being an "insider" on its contents. All views expressed are those of the Senior Consultant. No member of the Advisory Board has endorsed any of these views and, I am sure, that some of them will disagree with at least some - and perhaps many - of the positions stated in this final report. That, in my view, is healthy and only to be expected in dealing with important public-policy issues such as how policing should be planned, legislated, implemented and paid for across a whole province. Clearly these are all subjects upon which reasonable people may reasonably differ. Out of the welter of conflicting opinions, a "made-in-New-Brunswick" solution to policing the province will be forged (the membership of the Advisory Board is set out in Appendix "E").

RECOMMENDATIONS

GENERAL:

1. The government of New Brunswick should commence a three-stage programme for the reorganization of policing services in the province comprising planning, legislation and implementation.

2. The planning stage should include a full opportunity for consultation and debate with all interested parties.

3. The legislation stage should include the enactment of a **Police Act** and **Regulations** giving effect to the policing arrangements developed in the planning stage and including necessary amendments to the **Industrial Relations Act** and the **Municipalities Act**.

4. The implementation phase should begin with the least complicated areas of reform and proceed to the more complex ones using lessons learned in the earlier changes.

PROVINCE:

5. The Province of New Brunswick should so describe the capability factors that it requires in its police services that the best aspects of large and small policing operations will be contained in any police service authorized to act as such under its new policing policy.

SOLICITOR GENERAL:

6. The Department of the Solicitor General should be provided annually with a portion of the funds presently supplied to municipalities by the province in the form of unconditional grants. This portion should represent an amount to be negotiated among the municipalities and the Departments of Solicitor General, Municipalities, Culture &

Housing and Finance. These conditional grants would be made in respect of police services authorized to act as such under the new provincial policing policy.

7. A professional auditing team comprising representatives of the Department of the Solicitor General should assess the budgets of authorized police services to see if they are eligible to receive the contribution from the Department of the Solicitor General. This funding will only be available to police services that meet the capability factors set out in the new **Police Act** and **Regulations**.

POLICE COMMISSION:

8. The Police Commission should be retained with a full-time Chair and Executive Director and part-time or contracted Members, investigators, mediators and researchers. It should have the following roles:

Complaints against police
Appeals from internal police discipline cases
Central repository of discipline-complaint cases
Mediation of provincial-municipal disputes on eligibility for, or the amount of, conditional grant funding from the Department of the Solicitor General

LEGISLATURE:

9. The **Police Act** should lay down the minimum capability factor for authorized police services in New Brunswick as requiring:

(a) a police-presence function, including personnel policies that encourage police to live and work throughout the region for which they are responsible;
(b) a preventive patrol function, including evaluation mechanisms for prioritizing calls for service, analyzing them and providing the means to organize community resources with a view to effecting preventive solutions to local problems of concern to police and citizens;

(c) a detective function, including an evaluation mechanism for analyzing reports of crime and organizing priorities which will direct preventive and detective resources into activities where solutions are most likely;

(d) a pro-active function, including a capability to deal with major crimes, including white-collar and organized crime;

(e) a team-management approach which avoids hierarchical management philosophy and works on police operations in cooperation with a professional police association; and

(f) a community-based and linguistically and culturally sensitive philosophy in the delivery of services with police personnel reflecting community make-up and including both sexes.

10. If local government is regionalized, policing should be regionalized as part and parcel of the larger exercise.

11. Even if local government is not regionalized, regional policing should be introduced as the only means, outside RCMP arrangements, of attaining the necessary capability factors.

12. No new municipality should be allowed to be created without the question of how it is to be policed being first settled in accordance with the above principles.

13. The police governing authority for regional policing should be a Board of Police Commissioners who should be the employer of the police and civilian members of the regional police.

14. Representatives of professional police associations should be recognized as part of the management-team for policing operations in authorized regional policing arrangements.

15. The **Police Act** should contain provisions on the matters that may be the subject of police collective bargaining and those that may not.

15. The **Police Act** should contain provisions on the matters that may be the subject of police collective bargaining and those that may not.

16. The **Police Act** should not permit professional police associations to be affiliated with a trade union.

17. The **Police Act** should not permit a police service to investigate crimes alleged to have been committed by its own members or members of its own Board of Police Commissioners. In such cases, the appointment of the service to carry out the investigation should be by the Solicitor General.

18. Regulations under the **Police Act** should set out provincial standards for:

High-speed police chases
Police-cell accommodation
Job classifications requiring police officer status
Control of firearms, ammunition: issue, inspection, testing
Recruiting, training, promotion
Discipline, complaints against police

MUNICIPALITIES:

19. Municipal representatives would hold the majority of the seats on regional Boards of Police Commissioners. Other representatives would be appointed by the Solicitor General from among residents of the region.

20. Municipal representatives and officials would be an integral part of the negotiation process with the Departments of the Solicitor General, Municipalities, Culture & Housing and Finance that would decide the amount of the conditional grant for policing by authorized police services.

Board of Police Commissioners or against the amount of the conditional grant awarded for authorized policing.

POLICE ASSOCIATIONS:

22. The **Police Act** should continue to prohibit police strikes and lock-outs and provide for compulsory arbitration of unresolved disputes.

23. The New Brunswick Police Association should be a federation of professional police associations from each of the proposed regions and none of them should be affiliated with a trade union.

24. Appeals against penalties imposed following internal police discipline or as a result of a complaint against police by a member of the public should be to the Police Commission and not by way of arbitration.

25. Quasi-criminal codes of police disciplinary procedures should be replaced with a system that emphasises flexible options, improved performance, informal resolutions and counselling, retaining more serious interventions only for proven cases of clear impropriety.

THE PUBLIC:

26. All households and businesses should pay an identifiable amount towards police services. In this way demands for police service can be more directly tied to the fact that there are costs involved in providing such services.

FIRST NATIONS:

27. In the absence of input to this study from the First Nations, despite requests for such involvement should it be their wish to do so, no recommendations can be made other than to suggest that the province should be ready, willing and able to discuss police-related issues with both the federal and the First Nations government representatives if and when they wish to pursue changes to the present policing arrangements on First Nations territory in New Brunswick.

RELATED AGENCIES:

Department of Justice

28. Although this study had no mandate to look at matters within the purview of the Department of Justice, it is important that either the Department of the Solicitor General or the Department of Justice should be identified as having responsibility for keeping police services in New Brunswick abreast of the investigative consequences of court rulings on the **Canadian Charter of Rights and Freedoms**. If this is to be undertaken by the Department of the Solicitor General then appropriate funding has to be provided as this function was not expressly identified when that Department was separated from Justice.

29. There is some confusion in New Brunswick police services about the relative roles of the police and the prosecutor in the laying of charges and the carrying forward of prosecutions. The current policy of the Department of Justice should be clearly explained to police to reduce needless misunderstandings.

Courts

30. Courts should be placed where the majority of the workload is generated and should not be closed or their operation suspended without an examination of the costs to other Departments and municipalities. A saving in one government account can simply appear

as an additional cost in another. The Departments of Justice and the Solicitor General should develop a mechanism to assess where courts are held relative to police workloads and to explore the full ramifications of court closures or the suspension of operation of courts before such actions are implemented.

31. Consideration should be given to having court security provided by private security contract except in exceptional cases.

32. Police should not be in the business of collecting fines which can appear to the public to place them in a conflict of interest situation.

33. Consideration should be given to having financial institutions collect fines on a fee-for-service basis.

Forensic Science Laboratory

34. The continued presence of a Forensic Science Laboratory in New Brunswick would be a great advantage to policing in the province not only for court-related exhibit work but also for training of police, attendance of laboratory personnel at scenes of crime and setting up sexual assault teams at local hospitals. Remaining in Sackville or a move from Sackville to Fredericton would, on these accounts, be preferable to its removal to Halifax from a New Brunswick perspective. Although this issue lies outside provincial jurisdiction as it is a matter for the Solicitor General of Canada, Justice and Solicitor General officials and Ministers should urge their federal counterparts to retain a New Brunswick presence for this essential service.

PLANNING FOR FUTURE POLICE SERVICES:

35. Possible regionalized police groupings would include the following:

FUNDY REGION -

Saint John, Rothesay Regional, Grand Bay and Mispec.
(About 240 regional police positions)

CODIAC REGION -

Moncton, Dieppe and Riverview
The Dieppe Division would have to be fully bilingual
(About 150 regional police positions)

YORK REGION

Fredericton, New Maryland, Lincoln and Hanwell
(About 120 regional police positions)

CHALEUR REGION -

Bathurst, BNPP Regional, Robertville and the area between Nigadoo and Petit-Rocher and between Petit-Rocher and Pointe-Verte
(About 45 regional police positions)

MIRAMICHI REGION -

Newcastle, Chatham, Douglastown, Loggieville, Nelson-Miramichi and nearby unincorporated territory
(About 45 regional police positions)

MADAWASKA REGION -

Edmundston, Saint-Basile, Rivière-Verte, Verret, Saint-Jacques, St.-Hilaire
(About 40 regional police positions)

ACADIAN REGION -

Caraquet, Tracadie, Lamèque, Shippagan and some territory around Caraquet and Tracadie
(About 45 regional police positions)

36. The realistic choice is either five regions: Fundy, Codiac, York, Chaleur and Madawaska, or six regions: Fundy, Codiac, York, Chaleur, Madawaska and Miramichi depending upon federal, provincial and municipal willingness to contemplate the RCMP policing the Miramichi. The Acadian Region is the least viable of the seven possibilities. The highway patrol function within the new regions would be the responsibility of the regional police service.

37. If the decision is made to proceed with five regions, regionalization should be undertaken in the following order: Madawaska, York, Fundy, Chaleur and Codiac.

38. If the decision is made to proceed to six regions, regionalization should be undertaken in the following order: Miramichi, Madawaska, York, Fundy, Chaleur and Codiac.

39. RCMP municipal and regional contractual arrangements should be renegotiated to take account of the new regional arrangements. In particular, there should be one contract for RCMP policing in New Brunswick to cover the areas outside the newly formed regions for both general policing and highway patrol functions and a comprehensive plan for RCMP policing should be undertaken.

40. Personnel interchange between existing municipal-regional and proposed regional arrangements should be assisted by employee assistance programmes, natural attrition prior to the implementation stage and reasonable severance packages as appropriate.

Personnel

41. Recruit and in-service training must concentrate on how to conduct an investigation in compliance with the case-law requirements of the **Canadian Charter of Rights and Freedoms** to ensure that, where possible, all relevant evidence collected by police will be admissible as evidence in the courts.

42. Emphasis on human relations training and practice must be a priority under the new policing approach.

43. Fitness and health must be a factor in continued employment as an active police officer under the new policing arrangements.

44. Lateral movement between regional police services should be encouraged, particularly on promotions.

45. Exchanges of personnel for limited assignments between the RCMP and regional police services should be encouraged.

Buildings and equipment

46. There are several inadequate police buildings in the province and the question of police accommodation must be revisited as a matter of urgency when decisions on regionalization are made.

47. A uniform approach to computerized reporting systems should be taken in all of the new regional police services.

48. A rational communications system integrating the RCMP and the regional police services must be developed.

49. Standardization of uniforms and vehicles but retaining distinctive badges and logos should take place under regionalization.

Finance

50. Payment for police services should be more directly related to costs and all households and businesses should contribute directly to part of the costs of policing.

51. Future police costs for authorized police services should be paid for through a combination of local taxes, conditional grant for authorized police services and unconditional grant moneys. Whether a police service is authorized to receive conditional grant money should be decided by the Solicitor General on assessment of that police service's compliance with the capability-factors to be identified in the new **Police Act** set out above. The amount of the conditional grant in each year for each authorized service would be a matter for negotiation between municipalities and the Departments of the Solicitor General, Municipalities, Culture & Housing and Finance.

APPENDICES

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Appendix "A"

EXAMINATION OF POLICING ARRANGEMENTS IN THE PROVINCE

Revised Project Description

June 27, 1991

(A) OBJECTIVE

The objective is to examine present policing arrangements and policies in the Province of New Brunswick with a view to formulating a rational basis for the modification of the existing arrangements, if necessary, to address the policing requirements in the province into the next century.

The major focus of the examination is on the relationship between provincial policing services, governing authorities and municipal police forces and the feasibility of consolidation of effort. Some of the options which might be considered would include the realignment of provincial policing services or the creation of regional police forces.

(B) PROJECT MANAGEMENT

The Assistant Deputy Solicitor General and the Executive Director of Policing Services are charged with the overall management of the Project. Research staff and project managers are available from the Policing Services Division; Policy, Planning and Evaluation component of the Department as well as the private sector under contract.

(C) FUNDING

Funding and resources for the Project comes from three sources:

(1) existing resources within the Department of the Solicitor General
(2) the Municipal Police Assistance Fund
(3) the funding agreement between the Solicitor General Canada and the Solicitor General of New Brunswick.

(D) WORKING COMMITTEE

A Working Committee is established to ensure documentation of the present policing arrangements and resources in the province, and to have background material prepared on relevant subjects in policing which will aid the Senior Consultant in the preparation of a Final Report. The Working Committee has access to officials from the Department of the Solicitor General, the Department of Municipalities, Culture & Housing and the Department of Labour. Membership of the Working Committee comprises the Assistant Deputy Solicitor General, the Executive Director of Policing Services, the Assistant Director of Policing Services, and the Special Advisor to Policing Services. The Working Committee will periodically meet with Study Project Managers to review the progress of individual projects.

(E) SENIOR CONSULTANT

A Senior Consultant knowledgable in all aspects of policing and policing arrangements existing in Canada and elsewhere has been engaged for the express purpose of providing the Department of the Solicitor General with an independent and impartial assessment of the viability of alternatives in respect of policing arrangements in the Province.

The Senior Consultant will review and advise on the work being completed in Phase I and Phase II of the Project and will consult with the Advisory Board and with other individuals concerned with policing in New Brunswick. The Senior Consultant will be responsible for the production of a Final Report with recommendations which will address the present and projected policing requirements in the province.

(F) ADVISORY BOARD

An Advisory Board has been established by the Solicitor General to enable the Senior Consultant to have access to individuals with knowledge and experience in policing in New Brunswick. The Advisory Board will (a) provide continuing access to individuals who are able to identify problem areas and possible solutions, and (b) advise the Senior Consultant on potential solutions to policing issues on a local, regional and provincial level.

(G) PROCESS

Phase I of the Project involves the preparation of 4 separate studies which will be utilized by the Senior Consultant and the Advisory Board as background information on policing in the province.

Study #1

"The RCMP as Provincial Police Force in New Brunswick".
A descriptive overview of the RCMP as provincial police force in New Brunswick. This study will include an analysis of the new policing agreement for RCMP service. Projected completion date July, 1991.

Study #2

"Municipal Police Forces in New Brunswick". A descriptive overview of municipal police forces in the province. Projected completion date July, 1991.

Study #3

"A Quantitative Needs Analysis". A needs assessment based on crime trends analysis and general population census profile. Projected completion date July, 1991.

Study #4

"Legal Analysis of Various Aspects of Policing in New Brunswick". This analysis will cover selected aspects of policing such as police independence - the relationship

between the Chief of Police and Municipal Council, etc. - the relationship between the Department of the Solicitor General and the RCMP, municipal police, the Department of Justice, and the Police Commission.
Projected completion date September, 1991.

Phase II of the Project involves the preparation of a Regional Police Study which will illustrate the process of regionalization of policing efforts in the provincial setting.

Study #5

The Report of the Miramichi Regional Police Study.
Completed January, 1991.

During **Phase III** of the Project the Senior Consultant will review and advise on the work being completed in Phase I and II of the project, consult with the Advisory Board and other individuals, and prepare a **Final Report** with recommendations. Projected completion date December, 1991.

Appendix "B"

NEW BRUNSWICK POLICING STUDY - BACKGROUND STUDIES

The following background studies were completed as part of the New Brunswick Policing Study:

1. Policing Arrangements in New Brunswick with Particular Reference to the Highway Patrol Function (1988)
2. Policing Study: Municipal Policing Component (1991)
3. Policing Study: RCMP Component
4. Policing study: Quantitative Needs Analysis (1991)
5. Miramichi Regional Police Study (1991)
6. The Legal Status of the Police (1991)
7. Public Attitude Survey: Crime, Safety and Policing Services in New Brunswick (1991)

Appendix "C"

NEW BRUNSWICK POLICING STUDY

Policing Services in New Brunswick Indicators based on 1990 Actual Expenditures Excluding federal contribution for municipal and provincial policing as well as expenditures for federal and protective policing.

POLICING SERVICES IN NEW BRUNSWICK
INDICATORS BASED ON 1990 ACTUAL EXPENDITURES
(EXCLUDING FEDERAL CONTRIBUTION FOR MUNUCIPAL & PROVINCIAL POLICING AS WELL AS EXPENDITURES FOR FEDERAL & PROTECTIVE POLICING)

1. MUNICIPAL & REGIONAL POLICE FORCES

POLICE FORCES	MUNICIPAL EXPENDITURES	POLICE EXPENDITURES (1)	% MUNI. EXPEN.	POPULA. (2)	PER CAPITA COST	# OFFR (3)	# CIV (4)	# OTHER CIV (5)	# OTHER PERS. (6)	POL/ CIT RATIO	EMPLOY /CIT. RATIO (7)	CIVIL/ OFFR RATIO (8)	COST PER OFFICER	COST PER EMPLOY.	1990 BLDG ASSESSMENT (9)	1990 TAXES
BATHURST	12,872,306	2,214,097	17.20%	14,800	150	31	6			477	400	5.2	71,422	59,840	215,000	4,880.50
BNPP(10)	3,626,082	836,662	23.07%	8,800	95	14	1		1	629	587	14.0	59,762	55,777	220,400	8,720.13
BLACKS HARB.	832,258	175,582	21.10%	1,500	117	4	1			375	300	4.0	43,896	35,116	7,300	166.00
BLACKVILLE	427,576	156,870	36.69%	1,000	157	3	0			333	333	0.0	52,290	52,290	18,600	394.99
CARAQUET	2,894,982	484,388	16.73%	5,000	97	8	1			625	556	8.0	60,549	53,821	105,100	2,384.86
CHATHAM	4,726,493	842,032	17.82%	6,800	124	14	1			486	453	14.0	60,145	56,135	300,000	6,810.00
DALHOUSIE	5,284,176	724,081	13.70%	5,500	132	11	1	0	4	500	458	11.0	65,826	60,340	120,000	2,724.00
DIEPPE	7,738,700	1,215,397	15.71%	10,600	115	17	3			624	530	5.7	71,494	60,770	462,000	10,487.40
EDMUNDSTON	10,498,135	1,612,792	15.36%	11,800	137	25	7			472	369	3.6	64,512	50,400	837,800	16,281.81
FREDERICTON(11)	42,538,316	6,446,082	15.15%	48,600	133	91	27	33	1	534	412	3.4	70,836	54,628	2,655,400	60,277.58
GRAND BAY	1,287,766	222,043	17.24%	3,900	57	4	0			975	975	0.0	55,511	55,511	19,500	442.65
GRAND FALLS	3,442,360	829,491	24.10%	6,500	128	13	2	0	2	500	433	6.5	63,807	55,299	102,000	1,652.40
HARTLAND	764,232	144,943	18.97%	900	161	3	0			300	300	0.0	48,314	48,314	5,700	129.62
MONCTON	52,402,495	8,807,992	16.81%	58,500	151	127	31	2		461	370	4.1	69,354	55,747	3,652,700	82,916.29

I. MUNICIPAL & REGIONAL POLICE FORCES (cont.)

POLICE FORCES	MUNICIPAL EXPENDITURES	POLICE EXPENDITURES (1)	% MUNI. EXPEN.	POPULA. (2)	PER CAPITA COST	# OFFR (3)	# CIV (4)	# OTHER CIV (5)	# OTHER PERS. (6)	POL/ CIT RATIO	EMPLOY /CIT. RATIO (7)	CIVIL/ OFFR RATIO (8)	COST PER OFFICER	COST PER EMPLOY.	1990 BLDG ASSESSMENT (9)	1990 TAXES
NACKAWIC	1,166,506	228,790	19.61%	1,400	163	4	1			350	280	4.0	57,198	45,758	43,900	995.53
NEWCASTLE	6,237,301	935,937	15.01%	6,200	151	14	1		1	443	413	14.0	66,853	62,396	467,100	10,626.99
ROTHESAY (12)	8,091,304	1,424,187	17.60%	22,300	64	21	5			1,062	858	4.2	67,818	54,776	449,700	16,727.94
SACKVILLE	4,568,787	781,937	17.11%	5,700	137	13	2		5	438	380	6.5	60,149	52,129	255,600	5,802.12
SAINT BASILE	1,775,318	300,961	16.95%	3,800	79	6	1			633	543	6.0	50,160	42,994	56,600	1,284.82
SAINT JOHN	82,108,356	13,307,032	16.21%	74,000	180	191	24	5		387	344	8.0	69,670	61,893	3,957,100	107,313.92
SHEDIAC	3,381,142	668,671	19.78%	4,700	142	11	1			427	392	11.0	60,788	55,723	128,300	2,900.00
ST. STEPHEN	3,454,258	663,979	19.22%	5,400	123	11	1			491	450	11.0	60,362	55,332	34,500	783.38
SUSSEX	3,002,643	628,224	20.92%	4,300	146	10	1		13	430	391	10.0	62,822	57,111	159,300	3,616.11
TRACADIE (13)	2,130,023	519,904	24.41%	4,100	127	8	1			513	456	8.0	64,988	57,767	1,378,800	54,048.96
WOODSTOCK	2,623,178	598,117	22.80%	5,100	117	11	1		1	464	425	11.0	54,374	49,843	142,800	3,247.41
TOTAL MUN./REG.	267,874,693	44,770,191	16.71%	321,200	139	665	120	40	28	483	409	5.5	67,324	57,032	15,795,200	405,615.41
II. RCMP EMERGENCY POLICING 1990 EXPENDITURES																
SHIPPAGAN (14)	2,291,696	419,355	18.30%	3,100	135	5	1					5.0	83,871	69,893		

III. RCMP DIRECT CONTRACT
(EXCLUDING THE FEDERAL CONTRIBUTION)

APPENDIX "C"
March 31, 1992
Page 3 of 6

POLICE FORCES	MUNICIPAL EXPENDITURES	POLICE EXPENDITURES (15)	% MUNI. EXPEN.	POPULA. (2)	PER CAPITA COST	# OFFR	# CIV (4)	# OTHER CIV (5)	# OTHER PERS. (6)	POL./CIT. RATIO	EMPLOY/CIT. RATIO (7)	CIV./OFFR RATIO (8)	COST PER OFFICER	COST PER EMPLOY.	1990 BLDG ASSESSMENT	1990 TAXES
BOUCTOUCHE	1,208,828	178,827	14.79%	2,500	72	3				833			59,609			
CAMPBELLTON	7,191,845	1,243,093	17.28%	8,800	141	18				489			69,061			
CAP-PELE	1,057,141	193,956	18.35%	2,800	69	3				933			64,652			
HAMPTON	1,519,162	234,012	15.40%	4,200	56	4				1,050			58,503			
MCADAM	691,036	172,325	24.94%	1,600	108	3				533			57,442			
MINTO	1,294,352	256,987	19.85%	3,300	78	5				660			51,397			
NEGUAC	936,706	176,505	18.84%	2,200	80	3				733			58,835			
OROMOCTO	6,374,141	823,444	12.92%	9,300	89	14				664			58,817			
RICHIBUCTO	1,061,301	194,293	18.31%	1,800	108	3				600			64,764			
RIVERVIEW	8,669,506	1,452,398	16.75%	16,600	87	16				1,038			90,775			
ST.ANDREWS	1,666,389	197,039	11.82%	1,700	116	3				567			65,680			
SAINT-QUENTIN	865,769	172,679	19.95%	2,600	66	3				867			57,560			
TOTAL RCMP DIRECT	32,536,176	5,295,558	16.28%	57,400	92	78	19	-	-	736	592	4.1	67,892	54,593		

IV. RCMP PROVINCIAL POLICING CONTRACT
1990-91 EXPENDITURES (16)
(EXCLUDING THE FEDERAL CONTRIBUTION)

POLICE FORCES	POLICE EXPENDITURES (14)		POPULA.	PER CAPITA COST	# OFFR (3)	# CIV (4)	# OTHER CIV	# OTHER PERS.	POL/ CIT RATIO	EMPLOY /CIT. RATIO	CIVIL/ OFFR RATIO	COST PER OFFICER	COST PER EMPLOY.	1990 BLDG ASSESSMENT	1990 GRANT
CONTRACT(17)	28,506,718					83									
SUPPORT STAFF	494,785					27									
PIRS	126,630														
TOTAL PROV. POL.(18)	29,128,133		336,100	87	400	110			840	659	3.6	72,820	57,114	24,171,945	940,327.50

COST OF POLICING IN NEW BRUNSWICK (EXCLUDING FEDERAL SHARE AND FEDERAL POLICING)

GRAND TOTAL	79,613,237		717,800	111	1,148	250	40	28	625	513	4.6	69,350	56,948	39,967,145	1,345,942.91

FOOTNOTES:

(1) SOURCE: Audit reports forwarded to the Department of Municipalities, Culture & Housing. Municipal police expenditures include accommodation cost and expenditures for animal/school patrol. After consultation with some police chiefs, 4 figures were modified to include vehicle purchases: BATHURST, CARAQUET, NACKAWIC, and SAINT-BASILE. The 1990 expenditures for the two regional police forces were obtained directly from the Chief of Police. The regional police force expenditures include vehicle purchases.

(2) The municipality population estimates were developed by N.B. Statistics Agency based on the 1989 county estimates from Statistics Canada combined with information from Medicare.

- Edmundston provides policing services to Verret (agreement effective January 1, 1989). Population = 11800 (Edmundston 11300 & Verret 500).
- Tracadie provides policing services to Sheila (agreement effective January 1, 1984). Population = 4100 (Tracadie 2700 & Sheila 1400).
- Rivière-Verte entered an agreement with Saint-Basile only effective January 1, 1991. Therefore the Saint-Basile Police Force provided services only to Saint-Basile in 1991.

(3) The number of municipal/regional police officers represents the AUTHORIZED STRENGTH as of September 30, 1990 reported to the Canadian Centre for Justice Statistics (CCJS). The figures on uniformed members of the RCMP include Special Constable and was obtained from RCMP Corporate Services, Ottawa.

(4) The number of civilians represents the ACTUAL number as of September 30, 1990 reported to the Canadian Centre for Justice Statistics (CCJS), excluding the number of civilians employed by the municipalities or the province to assist the RCMP. The province has 27 employees (23 person years) providing support to the RCMP Provincial Police. The document "RCMP Briefing of Solicitor General and Attorney General February 4, 1992" indicates that 19 municipal employees in the 12 communities with RCMP Direct Contracts are providing support to the RCMP. The 'CIVILIAN' category includes Communications/Dispatch Operators, Management/Professionals, Clerical Support, RCMP civilian members and public servants.

(5) OTHER CIVILIANS include school crossing guards, maintenance personnel and mechanics.

(6) OTHER PERSONNEL include By-Law Enforcement/Parking Control Officers, Security Officers/Guards and Cadets/Trainees.

(7) This indicator is based on the total number of police officers and civilian employees but excludes the school crossing guards and the maintenance personnel.

(8) This is calculated by dividing the number of officers by the number of civilian (8th column).

(9) The information on the building assessment and taxes of municipal police forces was obtained from the N.B. Geographic Information Corporation. The total value of federal properties dedicated to policing in N.B. (all RCMP buildings - HQ, federal, provincial, municipal & residences) was obtained from Public Works Canada and is found under RCMP PROVINCIAL POLICING CONTRACT. The most recent PROPERTY REPORT available on federally owned properties dedicated to policing was for 1989. A 5% increase was added to the value of the federal properties and the grant in lieu of taxes to give a 1990 estimate. It is imperative to note that special purpose buildings such as police stations rarely come close to the construction cost of the property ie. "J" Division's HQ.

(10) The BNPP Regional Police Force provides services to the municipalities of Beresford, Nigadoo, Petit-Rocher and Pointe-Verte, and two local service districts: Petit-Rocher Sud and Petit-Rocher Nord. The 1990 expenditures for the BNPP regional police force was obtained from the Chief of Police. The Province paid $86,051 for 1990 BNPP policing services the two local service districts. If $86,051 is excluded from the 1990 BNPP expenditures, the new figure represents 20.7% of the total municipal expenditures of Beresford, Nigadoo, Petit-Rocher and Pointe-Verte.

(11) The Fredericton budget includes Emergency Services dispatch for both the Fire Department and the Police Force. Approximately $250,000 is attributed to activities related to the Fire Department. This administrative arrangement also has an impact on the civilian/officer ratio where it is estimated that 6 person years (dispatchers) are dedicated to activities for the Fire Department.

(12) The Rothesay Regional Police Force provides services to Quispamsis, Rothesay, East Riverside-Kinghurst, Fairvale, Gondola Point and Renforth.

(13) The Tracadie Police Force occupies the basement of City Hall. The estimated assessment/taxes is based on 30% of the total assessment/taxes of the building.

(14) In February of 1989, with the consent of the New Brunswick Solicitor General, Shippagan Town Council disbanded its police force and was provided emergency police services by the RCMP. In 1990, Shippagan continued to receive emergency services on a full RCMP cost recovery basis. Five RCMP uniformed members were dedicated to policing of Shippagan and one municipal employee provided support. The police expenditures of $419,355 were not subsidised by the federal government.

(15) Police expenditures include administration, station/building and RCMP contract. The expenditures of the RCMP direct contracts represent 70% of the actual cost for eleven municipalities and 90% for Riverview since the Government of Canada funds the remaining cost.

(16) The provincial police expenditures are based on the 1990-91 fiscal year rather than the 1990 calendar year.

(17) The expenditures for the NB RCMP contract were below the estimated budget of $ 30,045,300 due to vacancies.

(18) Highway patrol functions are performed by 128 of the 400 provincial positions. The provincial police complement includes 6.5 positions dedicated to three municipal policing (extended services): Rogersville (2), St. George (2) & Point Lepreau (2.5). The province recovers the cost of these 6.5 positions from the municipalities.

Appendix "D"

NEW BRUNSWICK POLICING STUDY

Policing Services in New Brunswick Indicators based on 1990 Actual Expenditures Including federal contribution for municipal and provincial policing as well as expenditures for federal and protective policing.

APPENDIX "D"
March 31, 1992
Page 1 of 6

POLICING SERVICES IN NEW BRUNSWICK
INDICATORS BASED ON 1990 ACTUAL EXPENDITURES
(INCLUDING FEDERAL CONTRIBUTION FOR MUNUCIPAL & PROVINCIAL POLICING AS WELL AS EXPENDITURES FOR FEDERAL & PROTECTIVE POLICING)

1. MUNICIPAL & REGIONAL POLICE FORCES

POLICE FORCES	MUNICIPAL EXPENDITURES	POLICE EXPENDITURES (1)	% MUNI. EXPEN.	POPULA. (2)	PER CAPITA COST	# OFFR (3)	# CIV (4)	# OTHER CIV (5)	# OTHER PERS. (6)	POL/CIT RATIO	EMPLOY/CIT. RATIO (7)	CIVIL/OFFR RATIO (8)	COST PER OFFICER	COST PER EMPLOY.	1990 BLDG ASSESSMENT (9)	1990 TAXES
BATHURST	12,872,306	2,214,097	17.20%	14,800	150	31	6			477	400	5.2	71,422	59,840	215,000	4,880.50
BNPP(10)	3,626,082	836,662	23.07%	8,800	95	14	1		1	629	587	14.0	59,762	55,777	220,400	8,720.13
BLACKS HARB.	832,258	175,582	21.10%	1,500	117	4	1			375	300	4.0	43,896	35,116	7,300	166.00
BLACKVILLE	427,576	156,870	36.69%	1,000	157	3	0			333	333	0.0	52,290	52,290	18,600	394.99
CARAQUET	2,894,982	484,388	16.73%	5,000	97	8	1			625	556	8.0	60,549	53,821	105,100	2,384.86
CHATHAM	4,726,493	842,032	17.82%	6,800	124	14	1			486	453	14.0	60,145	56,135	300,000	6,810.00
DALHOUSIE	5,284,176	724,081	13.70%	5,500	132	11	1	0	4	500	458	11.0	65,826	60,340	120,000	2,724.00
DIEPPE	7,738,700	1,215,397	15.71%	10,600	115	17	3			624	530	5.7	71,494	60,770	462,000	10,487.40
EDMUNDSTON	10,498,135	1,612,792	15.36%	11,800	137	25	7			472	369	3.6	64,512	50,400	837,800	16,281.81
FREDERICTON(11)	42,538,316	6,446,082	15.15%	48,600	133	91	27	33	1	534	412	3.4	70,836	54,628	2,655,400	60,277.58
GRAND BAY	1,287,766	222,043	17.24%	3,900	57	4	0			975	975	0.0	55,511	55,511	19,500	442.65
GRAND FALLS	3,442,360	829,491	24.10%	6,500	128	13	2	0	2	500	433	6.5	63,807	55,299	102,000	1,652.40
HARTLAND	764,232	144,943	18.97%	900	161	3	0			300	300	0.0	48,314	48,314	5,700	129.62
MONCTON	52,402,495	8,807,992	16.81%	58,500	151	127	31	2		461	370	4.1	69,354	55,747	3,652,700	82,916.29

I. MUNICIPAL & REGIONAL POLICE FORCES (cont.)

POLICE FORCES	MUNICIPAL EXPENDITURES	POLICE EXPENDITURES (1)	% MUNI. EXPEN.	POPULA. (2)	PER CAPITA COST	# OFFR (3)	# CIV (4)	# OTHER CIV (5)	# OTHER PERS. (6)	POL/CIT RATIO	EMPLOY/CIT. RATIO (7)	CIVIL/OFFR RATIO (8)	COST PER OFFICER	COST PER EMPLOY.	1990 BLDG ASSESSMENT (9)	1990 TAXES
NACKAWIC	1,166,506	228,790	19.61%	1,400	163	4	1			350	280	4.0	57,198	45,758	43,900	995.53
NEWCASTLE	6,237,301	935,937	15.01%	6,200	151	14	1		1	443	413	14.0	66,853	62,396	467,100	10,626.99
ROTHESAY(12)	8,091,304	1,424,187	17.60%	22,300	64	21	5			1,062	858	4.2	67,818	54,776	449,700	16,727.94
SACKVILLE	4,568,787	781,937	17.11%	5,700	137	13	2		5	438	380	6.5	60,149	52,129	255,600	5,802.12
SAINT BASILE	1,775,318	300,961	16.95%	3,800	79	6	1			633	543	6.0	50,160	42,994	56,600	1,284.82
SAINT JOHN	82,108,356	13,307,032	16.21%	74,000	180	191	24	5		387	344	8.0	69,670	61,893	3,957,100	107,313.92
SHEDIAC	3,381,142	668,671	19.78%	4,700	142	11	1			427	392	11.0	60,788	55,723	128,300	2,900.00
ST. STEPHEN	3,454,258	663,979	19.22%	5,400	123	11	1			491	450	11.0	60,362	55,332	34,500	783.38
SUSSEX	3,002,643	628,224	20.92%	4,300	146	10	1		13	430	391	10.0	62,822	57,111	159,300	3,616.11
TRACADIE(13)	2,130,023	519,904	24.41%	4,100	127	8	1			513	456	8.0	64,988	57,767	1,378,800	54,048.96
WOODSTOCK	2,623,178	598,117	22.80%	5,100	117	11	1		1	464	425	11.0	54,374	49,843	142,800	3,247.41
TOTAL MUN./REG.	267,874,693	44,770,191	16.71%	321,200	139	665	120	40	28	483	409	5.5	67,324	57,032	15,795,200	405,615.41

II. RCMP EMERGENCY POLICING
1990 EXPENDITURES

SHIPPAGAN (14)	2,291,696	419,355	18.30%	3,100	135	5	1					5.0	83,871	69,893	290,800	5,580.74

III. RCMP DIRECT CONTRACT
(INCLUDING THE FEDERAL CONTRIBUTION)

POLICE FORCES	MUNICIPAL EXPENDITURES	POLICE EXPENDITURES (15)	% MUNI. EXPEN.	POPULA. (2)	PER CAPITA COST	# OFFR	# CIV (4)	# OTHER CIV (5)	# OTHER PERS. (6)	POL/ CIT RATIO	EMPLOY /CIT. RATIO (7)	CIVIL/ OFFR RATIO (8)	COST PER OFFICER	COST PER EMPLOY.	1990 BLDG ASSESSMENT (9)	1990 TAXES
BOUCTOUCHE	1,208,828	247,028	20.44%	2,500	99	3				833			82,343			
CAMPBELLTON	7,191,845	1,650,511	22.95%	8,800	188	18				489			91,695			
CAP-PELE	1,057,141	265,045	25.07%	2,800	95	3				933			88,348			
HAMPTON	1,519,162	328,626	21.63%	4,200	78	4				1,050			82,156			
MCADAM	691,036	244,843	35.43%	1,600	153	3				533			81,614			
MINTO	1,294,352	363,001	28.04%	3,300	110	5				660			72,600			
NEGUAC	936,706	252,150	26.92%	2,200	115	3				733			84,050			
OROMOCTO	6,374,141	1,134,336	17.80%	9,300	122	14				664			81,024			
RICHIBUCTO	1,061,301	267,499	25.20%	1,800	149	3				600			89,166			
RIVERVIEW	8,669,506	1,582,350	18.25%	16,600	95	16				1,038			98,897			
ST.ANDREWS	1,666,389	266,783	16.01%	1,700	157	3				567			88,928			
SAINT-QUENTIN	865,769	246,684	28.49%	2,600	95	3				867			82,228			
TOTAL RCMP DIRECT	32,536,176	6,848,856	21.05%	57,400	119	78	19			736	592	4.1	87,806	70,607	-	-

IV. RCMP PROVINCIAL POLICING CONTRACT: 1990-91 EXPENDITURES (16)
(INCLUDING THE FEDERAL CONTRIBUTION)

POLICE FORCES	POLICE EXPENDITURES	POPULA.	PER CAPITA COST	# OFFR (3)	# CIV (4)	# OTHER CIV (5)	# OTHER PERS. (6)	POL/ CIT RATIO	EMPLOY /CIT. RATIO (7)	CIVIL/ OFFR RATIO (8)	COST PER OFFICER	COST PER EMPLOY.	1990 BLDG ASSESSMENT (9)	1990 GRANT
CONTRACT (17)	28,506,718				83									
PIRS	126,630													
	=========													
TOTAL CONTRACT/PIRS	28,633,348													
FEDERAL SHARE (18)	12,271,435													
SUPPORT	494,785				27									
TOTAL PROV. (19)	41,399,568	336,100	123	400	110			840	659	3.6	103,499	81,176	24,171,945	940,327.50
TOTAL MUN./REG./PROV.	93,437,970	717,800	130	1,148	250	40	28	625	513	4.6	81,392	66,837	40,257,945	1,351,523.65

V. RCMP FEDERAL POLICING IN NEW BRUNSWICK: 1990-91 EXPENDITURES

POLICE FORCES	POLICE EXPENDITURES	POPULA.	PER CAPITA COST	# OFFR (3)	# CIV (4)	# OTHER CIV (5)	# OTHER PERS. (6)	POL/ CIT RATIO	EMPLOY /CIT. RATIO (7)	CIVIL/ OFFR RATIO (8)	COST PER OFFICER	COST PER EMPLOY.	1990 BLDG ASSESSMENT (9)	1990 GRANT
FEDERAL LAW	5,547,975			76	10					7.6				
PROTECTIVE POLICING	1,474,118													
DEPART. ADMIN.	132,470			40	53					0.8				
TOTAL FED. (20)	7,154,563			116	63					1.8	61,677	39,970		

COST OF POLICING IN NEW BRUNSWICK (INCLUDING FEDERAL SHARE & FEDERAL POLICING)

POLICE FORCES	POLICE EXPENDITURES	POPULA.	PER CAPITA COST	# OFFR (3)	# CIV (4)	# OTHER CIV (5)	# OTHER PERS. (6)	POL/ CIT RATIO	EMPLOY /CIT. RATIO (7)	CIVIL/ OFFR RATIO (8)	COST PER OFFICER	COST PER EMPLOY.	1990 BLDG ASSESSMENT (9)	1990 GRANT
GRAND TOTAL(MUN./REG./PROV./FED.)	100,592,533	717,800	140	1,264	313	40	28	568	455	4.0	79,583	63,787	40,257,945	1,351,523.65

FOOTNOTES:

(1) SOURCE: Audit reports forwarded to the Department of Municipalities, Culture & Housing. Municipal police expenditures include accommodation cost and expenditures for animal/school patrol. After consultation with some police chiefs, 4 figures were modified to include vehicle purchases: BATHURST, CARAQUET, NACKAWIC and SAINT-BASILE. The 1990 expenditures for the two regional police forces were obtained directly from the Chief of Police. The regional police force expenditures include vehicle purchases.

(2) The municipality population estimates were developed by N.B. Statistics Agency based on the 1989 county estimates from Statistics Canada combined with information from Medicare.

- ►Edmundston provides policing services to Verret (agreement effective January 1, 1989). Population = 11800 (Edmundston 11300 & Verret 500).
- ► Tracadie provides policing services to Sheila (agreement effective January 1, 1984). Population = 4100 (Tracadie 2700 & Sheila 1400).
- ► Rivière-Verte entered an agreement with Saint-Basile only effective January 1, 1991. Therefore the Saint-Basile Police Force provided services only to Saint-Basile in 1991.

(3) The number of municipal/regional police officers represents the AUTHORIZED STRENGTH as of September 30, 1990 reported to the Canadian Centre for Justice Statistics (CCJS). The figures on uniformed members of the RCMP include Special Constables and were obtained from RCMP Corporate Services, Ottawa.

(4) The number of civilians represents the ACTUAL number as of September 30, 1990 reported to CCJS, excluding the number of civilians employed by the municipalities or the province to assist the RCMP. The province has 27 employees (23 person years) providing support to the RCMP Provincial Police. The document "RCMP Briefing of Solicitor General and Attorney General February 4, 1992" indicates that 19 municipal employees in the 12 communities with RCMP Direct Contracts are providing support to the RCMP. The 'CIVILIAN' category includes Communications/Dispatch Operators, Management/Professionals, Clerical Support, RCMP civilian members and public servants.

(5) OTHER CIVILIANS include school crossing guards, maintenance personnel and mechanics.

(6) OTHER PERSONNEL include By-Law Enforcement/Parking Control Officers, Security Officers/Guards and Cadets/Trainees.

(7) This indicator is based on the total number of police officers and civilian employees but excludes the school crossing guards and the maintenance personnel.

(8) This is calculated by dividing the number of officers by the number of civilians (8th column).

(9) The information on the building assessment and taxes of municipal police forces was obtained from the N.B. Geographic Information Corporation. The total value of federal properties dedicated to policing in N.B. (all RCMP buildings - HQ, federal, provincial, municipal & residences) was obtained from Public Works Canada and is found under RCMP PROVINCIAL POLICING CONTRACT. The most recent PROPERTY REPORT available on federally owned properties dedicated to policing was for 1989. A 5% increase was added to the value of the federal properties and the grant in lieu of taxes to give a 1990 estimate. It is imperative to note that special purpose buildings such as police stations rarely come close to the construction cost of the property ie. "J" Division's HQ.

(10) The BNPP Regional Police Force provides services to the municipalities of Beresford, Nigadoo, Petit-Rocher and Pointe-Verte, and two local service districts: Petit-Rocher Sud and Petit-Rocher Nord. The 1990 expenditures for the BNPP regional police force was obtained from the Chief of Police. The Province paid $86,051 of the 1990 BNPP expenditures for policing services provided to the two local service districts. If $86,051 is excluded from the 1990 BNPP expenditures, the new figure represents 20.7% of the total municipal expenditures of Beresford, Nigadoo, Petit-Rocher and Pointe-Verte.

(11) The Fredericton budget includes Emergency Services dispatch for both the Fire Department and the Police Force. Approximately $250,000 is attributed to activities related to the Fire Department. This administrative arrangement also has an impact on the civilian/officer ratio where it is estimated that 6 person years (dispatchers) are dedicated to activities for the Fire Department.

(12) The Rothesay Regional Police Force provides services to Quispamsis, Rothesay, East Riverside-Kinghurst, Fairvale, Gondola Point and Renforth.

(13) The Tracadie Police Force occupies the basement of City Hall. The estimated assessment/taxes is based on 30% of the total assessment/taxes of the building.

(14) In February of 1989, with the consent of the New Brunswick Solicitor General, Shippagan Town Council disbanded its police force and was provided emergency police services by the RCMP. In 1990, Shippagan continued to receive emergency services on a full RCMP cost recovery basis. Five RCMP uniformed members were dedicated to policing of Shippagan and one municipal employee provided support. The police expenditures of $419,355 were not subsidised by the federal government.

(15) Police expenditures include administration, station/building and RCMP contract. The estimated federal share (30% for eleven municipalities and 10% for Riverview) was based on the contract cost and added to the municipalities expenditures to give the total cost of policing.

(16) The provincial police expenditures are based on the 1990-91 fiscal year rather than the 1990 calendar year.

(17) The expenditures for the NB RCMP contract were below the estimated budget of $ 30,045,300 due to vacancies.

(18) The federal share represents only an estimation based on the expenditures for the RCMP contract and PIRS ((28,633,348/.7)-28,633,348).

(19) Highway patrol functions are performed by 128 of the 400 provincial positions. The provincial police complement includes 6.5 positions dedicated to three municipal policing (extended services): Rogersville (2), St. George (2) & Point Lepreau (2.5). The province recovers the cost of these 6.5 positions from the municipalities.

(20) The federal police expenditures are based on the 1990-91 fiscal year rather than the 1990 calendar year. The number of employees for Federal and Protective Policing were combined. Departmental Administration includes the federal initiative for language training.

Appendix "E"

NEW BRUNSWICK POLICING STUDY - MEMBERS OF THE ADVISORY BOARD

The following were members of the Advisory Board to the New Brunswick Policing Study:

Paul O'Connell
Asst. Deputy Minister
Dept. of Municipalities,
Culture and Housing

Chief Supt. Herman Beaulac
Commanding Officer
"J" Division RCMP
New Brunswick

The Most Rev. Harold L. Nutter
Vice Chairman
N.B. Police Commission

Léopold F. Belliveau
Mayor
City of Moncton

Fay Tidd
Mayor
Town of Oromocto

R. G. (Butch) Bouchard
Councillor
Edmundston

Wendell MacKay
Chairman
Board of Police Commissioners
Saint John

Robert Murray
Director of Public Prosecutions
Dept. of Justice

Hubert (Hugh) Robicheau
Executive Director
Policing Services Division
Dept. of the Solicitor General

Chief Gordon (Mac) Carlisle
Fredericton Police

Harold W. Culbert
Mayor
Town of Woodstock

Ruth White
Councillor
Beresford

John F. Richardson
President
New Brunswick Police Association

Appendix "F"

NEW BRUNSWICK POLICING STUDY - CONSULTATIONS BY SENIOR CONSULTANT IN ADDITION TO ADVISORY BOARD MEETINGS

May 8, 1991	Deputy Solicitor General
	Assistant Deputy Solicitor General
	Exec. Director, Policing Services Division
	Researchers on:
	Miramichi Regional Police Study
	Quantitative Needs Study
	Municipal Police Component
May 9, 1991	RCMP Component
May 10, 1991	Legal Status of Police
	Audit staff, Policing Services Division
June 24, 1991	Researchers on:
	Municipal - RCMP costs
June 25, 1991	Quantitative Needs Study
	Police Commission: Chair, Deputy Chair and Executive Officer
June 26, 1991	Coroner-Sheriff
June 28, 1991	Inter-Governmental Affairs (First Nations)
	Commanding Officer "J" Division
July 15, 1991	Chief of Police, Fredericton
July 16, 1991	Municipal representative, Shippagan
	Chief of Police, Tracadie
	Chief of Police, Caraquet
	Regional Crown Prosecutor, Bathurst
July 17, 1991	Chief of Police, BNPP
	Chief of Police, Bathurst

July 18, 1991	Chief of Police, Edmundston
August 19, 1991	Chief of Police, St. Stephen
August 20, 1991	Municipal representative, Saint John
	Saint John Police: Chief
	Crown Prosecutors, Saint John
	Rothesay Regional Police: Chief
August 21, 1991	Moncton Police: Chief
	Dieppe Police: Chief
August 22, 1991	Sackville Police: Chief
	Director, Forensic Science Laboratory
September 9, 1991	Minto RCMP Detachment, NCO i/c, personnel
September 10, 1991	Fredericton Police Association
	President and Executive
	RCMP HQ - Identification Section
September 11, 1991	Researcher: Public Attitude Survey
	RCMP HQ - Superintendent, Crim. Operations
September 13, 1991	Saint John - Deputy Chief, ADCs
	Westfield RCMP - NCO
October 2, 1991	Campbellton RCMP - Superintendent, NCOs
October 3, 1991	Addressed New Brunswick Association of Chiefs of Police
	Chief of Police, Sussex
	Chief of Police, Grand Falls
	Chief of Police, Blackville
	Chief of Police, Nackawic
	Acting Chief of Police, Newcastle
November 4, 1991	Dept. of Municipalities, Culture & Housing
	Deputy Minister, Assistant Deputy Minister

November 5, 1991	Chief of Police, Shediac Municipal representatives, Riverview RCMP Detachment Commander, Riverview Municipal representatives, Sussex
November 6, 1991	Municipal representatives, Fredericton New Brunswick Police Association President and Executive
December 4, 1991	Department of the Solicitor General Financial Services representatives Researcher: Municipal, regional, RCMP expenditures
December 6, 1991	Municipal representatives, Dieppe Researcher: Public Attitude Survey Exec. Director, Policing Services Div. Assistant Deputy Minister, Department of the Solicitor General

Appendix 'G'

CALL FOR WRITTEN SUBMISSIONS

PROVINCE OF NEW BRUNSWICK

PUBLIC NOTICE

Policing Study

The Department of the Solicitor General is presently in the final stage of a comprehensive study to examine policing arrangements in the Province. The study was initiated in late 1989, and is intended to formulate a rational basis for modifying existing police arrangements, if necessary. It will also address the realities of New Brunswick policing requirements into the next century.

A senior consultant has been hired for this purpose and is being advised by an Advisory Board comprising a cross-section of New Brunswick citizens with knowledge and experience in the governance or delivery of policing services.

If you have any views on present or future policing needs or requirements in the Province you are invited to contribute by writing (before December 30, 1991) to:

Professor Alan Grant
Senior Consultant
New Brunswick Policing Study
Department of the Solicitor General
P.O. Box 6000
Fredericton, N. B.
E3B 5H1

Appendix "H"

NEW BRUNSWICK POLICING STUDY - WRITTEN SUBMISSIONS

Written submissions were received from the following:

Mr. Creighton Aquin

Mr. Ross Ingram

Mayor Roland Dubé
Saint-Léonard

Mayor Jean-Guy Marquis
Verret

Mayor Lionel Poitras
St.-André

Mr. Wendell MacKay
Chairman
Board of Police Commissioners
Saint John

Mr. J. H. Léonard LeBlanc
Councillor
Dieppe

Mayor Freeland Tibbetts
Grand Bay

Ms. Sandra Gantreau
Clerk-Manager
Grand Bay

Chief Steve Sacobie
Kingsclear Indian Nation

New Brunswick Police Association
"Policing - New Brunswick into the 21st Century:

Chief T. P. Rouse
Dieppe Police

Appendix "I"

NEW BRUNSWICK POLICING STUDY - SOME OF THE OTHER POLICE-RELATED RESEARCH BY THE SENIOR CONSULTANT

Monographs:

Tay Bway Win: Truth, Justice and First Nations
Report of the Osnaburgh-Windigo Tribal Council Justice Review Committee (1990) 131 pp.
(Prepared for the Attorney General and Minister Responsible for Native Affairs (Ont.), the Solicitor General (Ont.), Windigo Tribal Council and Osnaburgh First Nation)

The Atlantic Police Academy Study
Report prepared for Holland College (1982) 177 pp.

The Dartmouth Police Study
Report prepared for the City of Dartmouth (1981) 108 pp.

The Police: A Policy Paper
Study prepared for the Law Reform Commission of Canada (1980) 100 pp.

Chapters in Books:

"The Videotaping of Police Interrogations in Canada" in **The Media and Criminal Justice Policy** (R. Surette, Ed.) Charles C. Thomas, Publisher, Springfield, Illinois (1990) pp. 265-276

"Criminal Investigation" in **The Media, The Courts and The Charter** (Anisman and Linden, Eds.) Carswell, (1986) pp. 267-284

"The Criminal Justice System - Where are we going?" in **The Canadian Criminal Justice System**, (Boydell and Connidis, Eds.) Holt, Rinehart and Winston, (1982) pp. 148-155

"The Police: Organization, Personnel and Problems" in **The Practice of Freedom** (Macdonald and Humphrey, Eds.) Butterworths, (1979) pp. 405-424

"The Control of Police Behaviour" in **Some Civil Liberties Issues of the Seventies**, (W. Tarnopolsky, Ed.) Carswell (1975) pp. 75-127

Articles:

"Obstacles in Maximizing Police Productivity"
Volume 2 Police Studies (1979) pp. 18-24 (New York, USA)

"The Supreme Court of Canada and the Police: 1970-1976" Volume 20 Criminal Law Quarterly (1978) pp. 152-156

"Towards a Model for Police Management Training"
Volume 19 Criminal Law Quarterly (1977) pp. 291-302

"Some Reflections on Police Education and Training in Canada"
Volume 18 Criminal Law Quarterly (1976) pp. 218-234

Appendix "J"

NEW BRUNSWICK POLICING STUDY

Research Team:

Senior Consultant:

Professor Alan Grant

Members:

Members of the Research Team who were instrumental in the preparation of the background papers other than the Highway Patrol Study (Professor Grant) and the Public Attitude Survey (Baseline Market Research Ltd.):

Mary Hatherly, Senior Policy Advisor
Brenda Thomas, Senior Analyst
Monique Drapeau-Miles, Research and Planning Officer
Andrea Johnston, Researcher
Paul Mazerolle, Research Assistant